

Chapter 17.300**COMMUNITY DESIGN STANDARDS****Sections:****Section 17.300.010 - Purpose****Section 17.300.020 - Applicability****Section 17.300.010 Purpose**

The Community Design Standards are regulations for access and circulation, landscaping, parking, public facilities, and similar elements that apply City-wide. They supplement the design standards for specific land uses and building types contained in Article 2 Land Use Zones. The improvements required by these standards are necessary to ensure a safe, functional, and livable city.

Section 17.300.020 Applicability

A. Major Project. Major projects are developments that require Site Design Review (Chapter 17.401), Land Division Approval (Chapter 17.403), Planned Development (Chapter 17.406), and/or Amendments to the Comprehensive Plan or Zoning Map (Chapter 17.409). Major Projects must conform to the applicable sections of:

1. Access and Circulation (Chapter 17.301)
2. Landscaping, Street Trees, Fences and Walls (Chapter 17.302)
3. Parking and Loading (Chapter 17.303)
4. Public Facilities (Chapter 17.304)
5. Signs (Chapter 17.305)
6. Wireless Communication Facilities (Chapter 17.306)
7. Outdoor Lighting Standards (Chapter 17.307)
8. Hillside and Geologic Development Standards (Chapter 17.308)
9. Natural Resources (Chapter 17.309)
10. Historic Resources (Chapter 17.310)

B. Minor Project. Minor projects are small developments and land use actions that do not qualify as Major projects. Generally, they require only Land Use Review or Conditional Use Permit approval. The following Chapters generally apply; however, individual sections will not apply to some projects.

1. Access and Circulation (Chapter 17.301)
2. Landscaping, Street Trees, Fences and Walls (Chapter 17.302)
3. Parking and Loading (Chapter 17.303)
4. Public Facilities (Chapter 17.304)
5. Signs (Chapter 17.305)

6. Wireless Communication Facilities (Chapter 17.306)
7. Outdoor Lighting Standards (Chapter 17.307)
8. Hillside and Geologic Development Standards (Chapter 17.308)
9. Natural Resources (Chapter 17.309)
10. Historic Resources (Chapter 17.310)

C. Non-Conforming Uses and Developments. See Chapter 17.407 for provisions related to Non- Conforming uses and developments.

Chapter 17.301**ACCESS AND CIRCULATION****Sections:****Section 17.301.010 Purpose****Section 17.301.020 Vehicular Access and Circulation****Section 17.301.030 Pedestrian Access and Circulation****Section 17.301.010 Purpose**

The purpose of this Chapter is to ensure that developments provide safe and efficient access and circulation for pedestrians, cyclists and vehicles and provide safe, convenient, and comfortable routes for all modes of transportation including: walking, use of mobility devices, bicycling, and public transportation. The intent is to encourage increased use of these modes and enable convenient travel as part of daily activities, improve the public health and welfare by encouraging active living and environmental stewardship, and meet the needs of all users, including children, older adults, and people with disabilities. This Chapter implements the Transportation System Plan.

Section 17.301.020 Vehicular Access and Circulation

A. Intent and Purpose. The intent of this Section is to manage access to land uses and on- site circulation, and to preserve the transportation system in terms of safety, capacity, and function. This Section implements the access management policies of the City of Damascus Comprehensive Plan and Transportation System Plan.

B. Applicability. This Chapter applies to all public streets within the City and to all properties that abut these streets. The standards apply when streets and lots are created, consolidated, or modified. The standards apply when properties are subject to Land Use Review or Site Design Review.

C. Access Permit Required. Access to a public street (e.g., a new curb cut or driveway approach) requires an Access Permit. An Access Permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval. In either case, approval of an Access Permit shall follow the procedures and requirements of the applicable road authority, as determined through the review procedures in Article 4.

D. Traffic Study Requirements. The City may require a traffic study prepared by a qualified professional Traffic Engineer to determine access, circulation,

and other transportation requirements in conformance with the applicable Section of this Code and any adopted Plans.

E. Conditions of Approval. The City may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, limiting driveways to right-in/right-out, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system.

F. Corner and Intersection Separation; Backing onto Public Streets. New and modified accesses shall conform to the following standards:

1. Except as provided under Subsection (F)(4), below, the distance from a street intersection to a driveway or other street access shall meet the minimum spacing requirements for the street's classification in the City's Municipal Code Design and Construction Standards.
2. New property access shall not be permitted within forty feet of an intersection unless no other reasonable access to the property is available. Where no other alternatives exist, the City may allow construction of an access connection at a point less than forty feet from an intersection, provided the access is as far away from the intersection as possible. In such cases, the City may impose turning restrictions (i.e., right-in/-out, right-in only, or right-out only); measurement shall be taken from the intersection of property lines. In the case of radial corners, the point of measurement would begin where the properties would theoretically intersect within the right-of-way if they were extended.
3. Access to and from off-street parking areas shall not permit backing onto a public street, except for attached and detached single-family dwellings.
4. The City may reduce required separation distance of access points where they prove impractical due to lot dimensions, existing development, other physical features, or conflicting Code requirements, provided all of the following requirements are met:
 - a. Joint-use driveways and cross-access easements are provided in accordance with Subsection 17.301.020(H);
 - b. The Site Plan incorporates a unified access and circulation system in accordance with this Section; and
 - c. The City may require property owner(s) enter into a written agreement with the City, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after

construction of each side of the joint-use driveway.

G. Site Circulation. New developments shall be required to provide a circulation system that accommodates expected traffic on the site. Pedestrian connections on the site, including connections through large sites, and connections between sites (as applicable) and adjacent sidewalks, must conform to the provisions in Section 17.301.030.

H. Joint and Cross Access.

1. **Requirement.** The number of driveway and private street intersections with public streets should be minimized by the use of shared driveways for adjoining lots where feasible. When necessary for traffic safety and access management purposes, or to access flag lots, the City may require joint access and/or shared driveways in the following situations as follows:
 - a. For shared parking areas;
 - b. For adjacent developments, where access onto a street is limited;
 - c. For multi-tenant developments, and developments on multiple lots or parcels. Such joint accesses and shared driveways shall incorporate all of the following:
 - i. A continuous service drive or cross-access corridor that provides for driveway separation consistent with the applicable transportation authority's access management classification system and standards;
 - ii. A design speed of ten miles per hour and a maximum width of twenty feet, in addition to any parking alongside the driveway; additional driveway width or fire lanes may be approved when necessary to accommodate specific types of service vehicles, loading vehicles, or emergency service provider vehicles; and
 - iii. Driveway stubs to property lines (for future extension) and other design features to make it easy to see that the abutting properties may be required with future development to connect to the cross-access driveway.
2. **Reduction in Required Parking Allowed.** When a shared driveway is provided or required as a condition of approval, the land uses adjacent to the shared driveway may have their minimum parking standards reduced in accordance with the shared parking provisions of Section 17.303.020(D).

3. **Easement and Use and Maintenance Agreement.** Pursuant to this Section, property owners shall:

- a. Record an easement with the deed allowing cross-access to and from other properties served by the joint-use driveways and cross-access or service drive;
- b. Record an agreement with the deed that remaining access rights along the roadway for the subject property shall be dedicated to the City and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
- c. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

I. **Access Connections and Driveway Design.** All driveway connections to a public right-of-way (access) and driveways shall conform to all of the following design standards:

1. **Driveway Width.** Driveways shall meet the following standards:

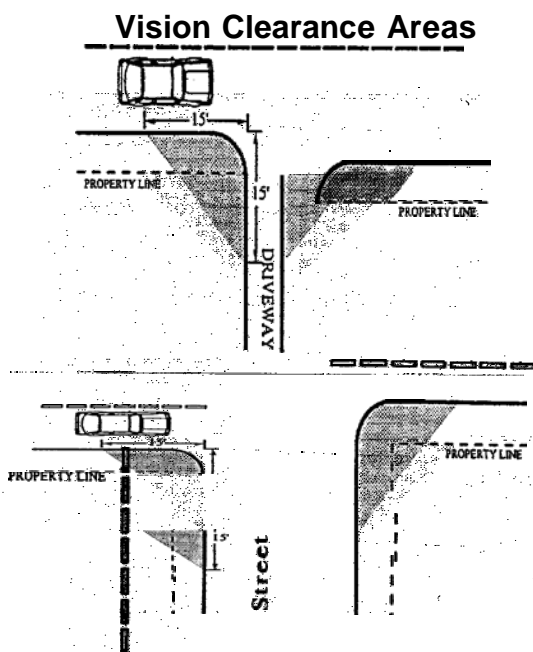
- a. One-way driveways (one-way in or out) shall have a width of twelve feet, and shall have appropriate signage designating the driveway as a one-way connection.
- b. For two-way access, each lane shall have a minimum width of nine feet and a maximum width of twelve feet for other than single family residences. If the lanes are separated by a curb, median or other barrier, each lane must be twelve feet in width.
- c. The City may allow adjustments to (a) and (b) above when necessary to accommodate the use or situation, provided the resultant access is deemed safe and functional by the appropriate authority, such as the Fire Marshal or City Engineer.

2. **Driveway Approaches.** Driveway approaches shall be designed and located to provide exiting vehicles with an unobstructed view of other vehicles and pedestrians, and to prevent vehicles from backing into the flow of traffic on the public street or causing conflicts with on-site circulation. Construction of driveway accesses along acceleration or deceleration lanes or tapers should be avoided due to the potential for vehicular conflicts. Driveways should be located to allow for safe maneuvering in and around loading areas. See also Section 17.303.040, Loading Areas.

3. **Driveway Construction.** See Design and Construction Standards in

the City's Municipal Code.

- J. Fire Access and Turnarounds.** When required under the Uniform Fire Code, fire access lanes with turnarounds shall be provided. Except as waived in writing by the Fire Marshal, a fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than one hundred fifty feet from an existing public street or approved fire equipment access drive. The drive shall contain unobstructed adequate aisle width (fourteen to twenty feet) and turn-around area for emergency vehicles. The Fire Marshal may require that fire lanes be marked as “No Stopping/No Parking”. For requirements related to cul-de-sacs or dead-end streets, please refer to Section 17.304.020(M).
- K. Vertical Clearances.** Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance width with appropriate dimensions for the type of vehicle and uses consistent with the Uniform Fire Code standards.
- L. Vision Clearance.** No visual obstruction (e.g., sign, structure, solid fence, or shrub vegetation) between three and eight feet in height shall be placed in “vision clearance areas” on streets, driveways, alleys, or mid-block lanes where no traffic control stop sign or signal is provided, as shown in Vision Clearance Areas Figure. The minimum vision clearance area may be modified by the City Engineer upon finding that more or less sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.). This standard does not apply to light standards, utility poles, tree trunks, and similar objects.



M. Construction. The following development and maintenance standards shall apply to all driveways and private streets, except that the standards do not apply to driveways serving one single-family detached dwelling:

1. **Surface Options.** Driveways, parking areas, aisles, and turnarounds may be paved with asphalt, concrete, or comparable surfacing, or a durable non-paving or porous paving material may be used to reduce surface water runoff and protect water quality. Driveway and street materials shall be subject to review and approval by the City Engineer. Gravel driveways may be used in developments with five units or less with a minimum average density of one unit per two acres. A paved, ADA-compliant driveway apron is required where the driveway connects with the street.
2. **Surface Water Management.** When non-porous paving is used, all driveways, parking areas, aisles, and turnarounds shall have on-site collection of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with Chapter 17.304 and applicable engineering standards. A drainage study may be required at the time of development.
3. **Driveway Aprons.** When driveway approaches or “aprons” are required to connect driveways to the public right-of-way, they shall be paved with concrete surfacing or other durable materials approved by the City Engineer. They shall conform to the City’s engineering design criteria and standard specifications.

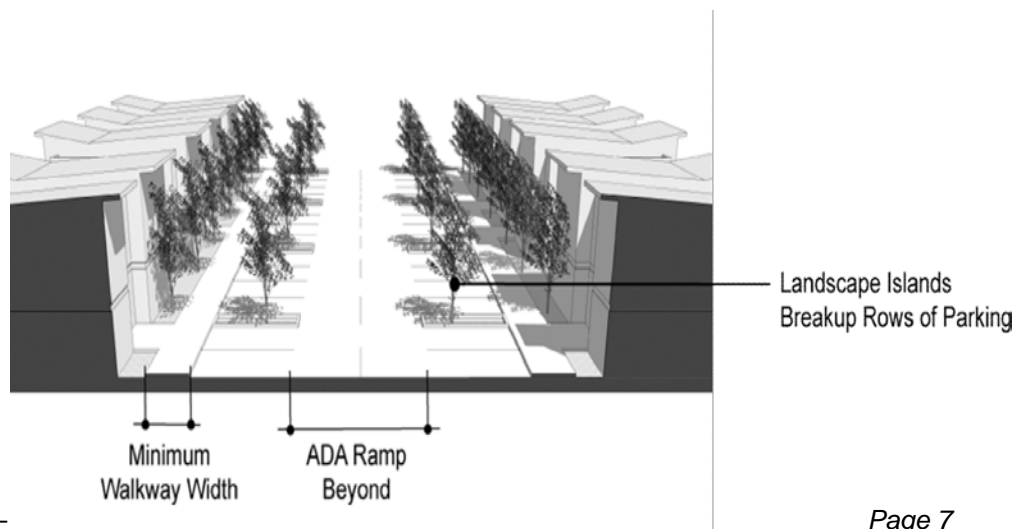
Section 17.301.030 Pedestrian Access and Circulation

A. Site Layout and Design. To ensure safe, direct, and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system. The pedestrian system shall be based on the standards in Subsections (A)(1 – 3), below:

1. **Continuous Walkway System.** The pedestrian walkway system shall extend throughout the development site and provide for connections to all future phases of development. The pedestrian system shall also connect to existing or planned off-site areas, including streets, trails, public parks, schools, neighborhoods, mixed use areas, open spaces, and other areas so as to provide direct, convenient and safe circulation in the community. The developer may also be required to connect or stub walkway(s) to adjacent streets and to private property with a previously reserved public access easement for this purpose, in accordance with the provisions of Section 17.301.020, Vehicular Access and Circulation, and Section 17.304.020, Transportation Standards.

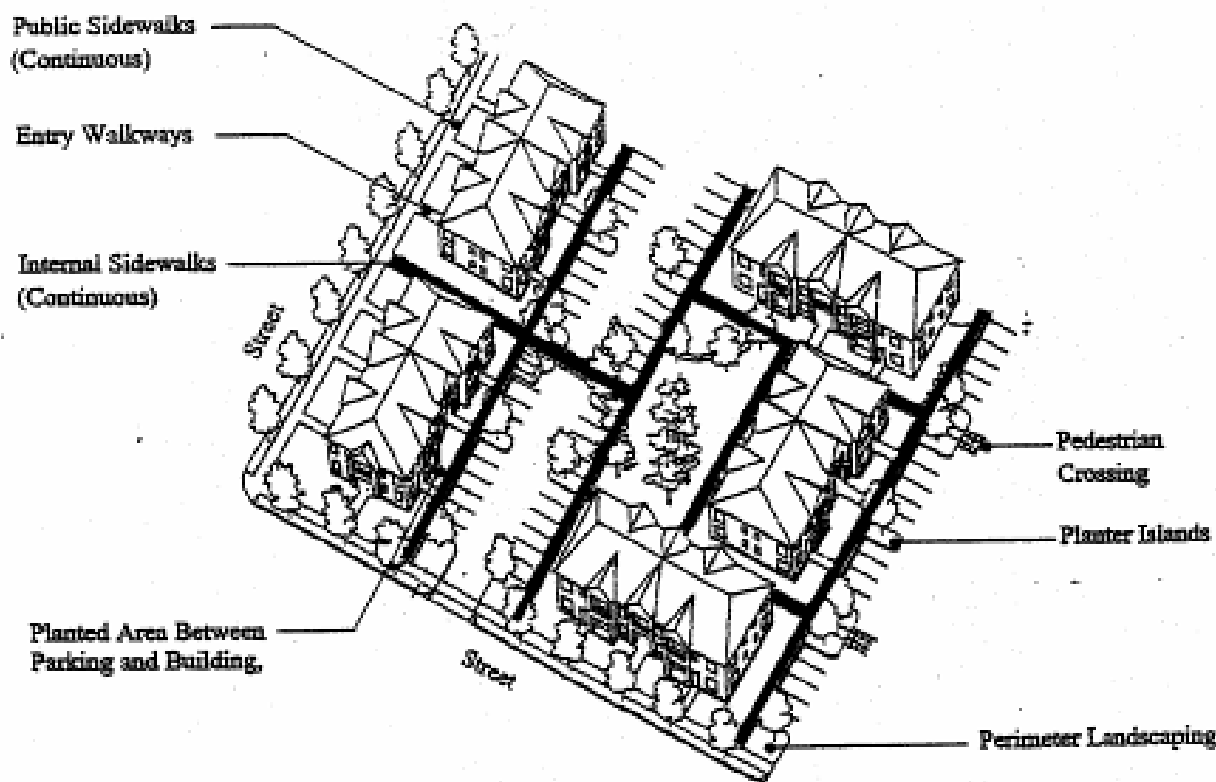
2. **Safe, Direct, and Convenient.** Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:
 - a. *Reasonably direct.* A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
 - b. *Safe and convenient.* Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
 - c. *Primary entrance for commercial, industrial, mixed use, public, and institutional buildings,* is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.
 - d. *Primary entrance for residential buildings,* is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the “primary entrance” may be a lobby, courtyard, or breezeway that serves as a common entrance for more than one dwelling.
3. **Connections within Development.** Connections within developments shall be provided as required in Subsections (A)(3)(a – c), below:
 - a. Walkways shall connect all building entrances to one another and to streets to the extent practicable, as generally shown in the Walkway Design (Typical) Figure;

Walkway Design (Typical)



- b. Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be cause for not making certain walkway connections, as generally shown in the Pedestrian Walkway System (Typical) Figure;

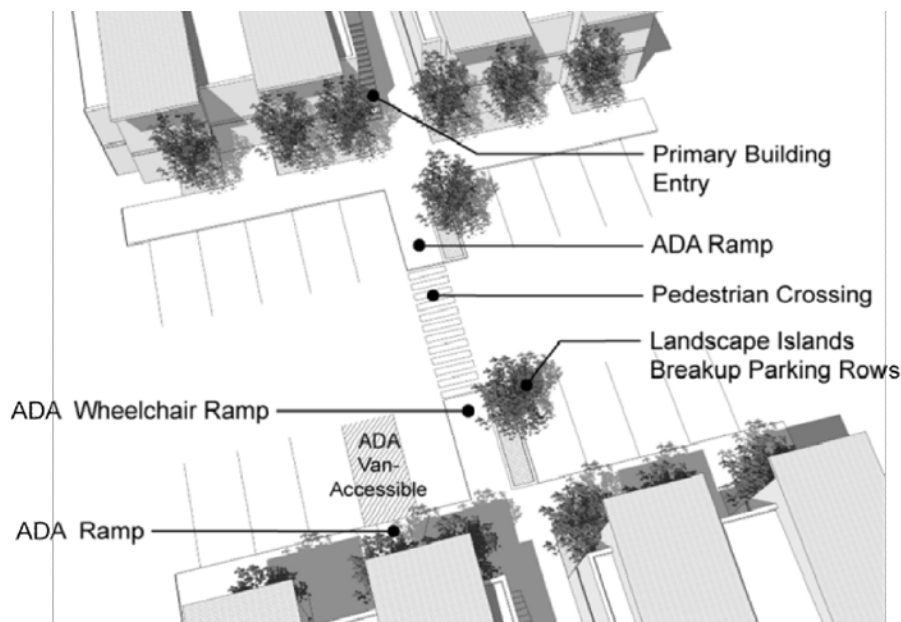
Pedestrian Walkway System (Typical)



- c. Large parking areas shall be broken up so that no contiguous parking area exceeds three acres. Parking areas may be broken up with plazas, large landscape areas with pedestrian access ways (*i.e.*, at least twenty feet total width), streets, or driveways with street-like features, Street-like features, for the purpose of this Section, means a sidewalk of at least six feet in width, accessible curb ramps, street trees in planter strips or tree wells, and pedestrian-scale and oriented lighting.
4. **Connections to transit.** All new retail, office, multi-family and institutional buildings located at or near an existing major transit stop shall provide reasonably direct pedestrian connections between transit stops and building entrances.

B. Walkway Design and Construction. Walkways, including those provided with pedestrian access ways, shall conform to all of the standards in Subsections (B)(1 – 4), as generally illustrated in the Figure below:

Pedestrian Walkway Detail (Typical)



1. **Vehicle/Walkway Separation.** Except for crosswalks, Subsection (B)(2), where a walkway abuts a driveway or street, shall be raised six inches and curbed along the edge of the driveway/street. Alternatively, the City may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative metal or concrete bollards designed to withstand a vehicle's impact, with adequate minimum spacing between them to protect pedestrians.
2. **Crosswalks.** Where walkways cross a parking area, driveway, or street "crosswalk", they shall be clearly marked with striping or contrasting paving materials (e.g., light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area.
3. **Walkway Width and Surface.** Walkway and access way surfaces shall be concrete, brick/masonry pavers, or another durable surface other than asphalt, as approved by the City Engineer, at least six feet wide. Multi-use paths (i.e., for bicycles and pedestrians) shall be durable materials approved by the City Engineer, at least ten feet wide. See also, Section 17.304.020 Transportation Standards for public, multi-use pathway standard.

4. **Accessible Routes.** Walkways shall comply with applicable Americans with Disabilities Act (ADA) requirements. The ends of all raised walkways, where the walkway intersects a driveway or street shall provide ramps that are ADA accessible, and walkways shall provide direct routes to primary building entrances.
5. **Exceptions.** The City Engineer may approve applicant proposed variations to the above-cited standards if the variation furthers the objectives of creating pedestrian-oriented areas and implementing sustainable design. Such exceptions may include the creation of special streets, such as woonerfs (streets where pedestrians and cyclists have legal priority over motorists), and other designs intended to reduce vehicular speeds and prioritize the creation of a unique and livable part of the community.

Chapter 17.302**LANDSCAPING, STREET TREES, FENCES AND WALLS****Sections:****Section 17.302.010 Purpose****Section 17.302.020 Landscape Conservation****Section 17.302.030 Landscaping****Section 17.302.040 Street Trees****Section 17.302.050 Fences and Walls****Section 17.302.010 Purpose**

The purpose of Chapter 17.302 is to promote community health, safety, and welfare by protecting natural vegetation and setting development standards for landscaping, street trees, fences and walls. Together, these elements of the natural and built environment contribute to the visual quality, air quality, environmental health and character of the community. Trees provide environmental and community benefits through shading during summer months and wind screening during winter. Trees and other plants can also buffer pedestrians from traffic. Walls, fences, trees and other landscape materials provide vital screening and buffering between land uses. Landscaped areas help to control surface water drainage and can improve water quality, as compared to paved or built surfaces.

Section 17.302.020 Landscape Conservation

A. Purpose and Applicability. All development sites containing significant vegetation, as defined below, shall comply with the standards of this Section. The purpose of this Section is to incorporate significant native vegetation into development landscapes, protect vegetation that is subject to requirements for Natural Resources (Chapter 17.309), and prevent the indiscriminate removal of significant trees and other vegetation. Mature landscaping provides summer shade and wind breaks, protects streams for fish habitat and wildlife, controls erosion, allows for water conservation, and contributes to a livable community.

- 1. Significant Vegetation.** “Significant vegetation” means individual trees and shrubs within designated Natural Resources, in accordance with Chapter 17.309, and trees and shrubs not within a Natural Resource area that have a caliper of eight inches or larger diameter at breast height (DBH) measured at four and one half feet above grade, except that protection shall not be required for plants listed as non-native, invasive plants designated as nuisance plants on the City of Portland’s most recent version of the Portland Plant List and plants listed by the City as prohibited

street trees and landscape plants including any species of cottonwood or poplar.

2. **Mapping and Protection Required.** Significant vegetation shall be mapped as required by Chapter 17.401, Site Design Review and Chapter 17.403, Land Divisions and Property Line Adjustments. Significant trees shall be mapped individually and identified by species and DBH. A “protection” area shall be defined around the edge of all branches (drip-line) of each tree and fencing installed to protect the critical root zone (CRZ) as described in Subsection (D) below. Drip lines may overlap between trees. The City also may require an inventory, survey, or assessment prepared by a certified arborist or licensed landscape architect when necessary to determine construction boundaries, building setbacks, and other protection or mitigation requirements. Tree protection activities shall be completed according to the best management practices in *Tree Protection on Construction and Development Sites: Best Management Practices Guidebook for the Pacific Northwest, December 2009* published by the Oregon State University Extension Service, or the most current version of this guidebook.

B. Protection Standards. Significant trees and shrubs identified as meeting the criteria in Section (A)(1) above shall be retained to minimize the risk of erosion, landslide, stormwater runoff, and to contribute to the wildlife protection and beauty and livability of the City. Where areas must be disturbed to install streets or utilities, the applicant may be required to restore such areas after construction with landscaping or other means to prevent erosion and to protect the public health, safety, and welfare. With the owner’s consent, the City may accept a land dedication or become a party to a conservation easement on private property for conservation purposes. Permits are required for removal of trees in the right-of-way per City Municipal Code Chapter 16.32 Tree Cutting.

C. Preservation Design Standards. The applicant shall provide a written narrative describing the steps to be taken to integrate existing significant trees into development designs in compliance with this Section. Development designs shall consider the location of existing significant trees and vegetation when determining the placement of buildings and building pads, roadways, driveways, drive aisles, parking areas, open spaces and infrastructure improvements. All significant trees shall be considered for preservation; however, priority shall be given to stands of five or more trees and individual trees with diameters greater than twenty inches at breast height. At a minimum, steps shall be taken to integrate existing significant trees into site designs in the following areas:

1. Landscape areas within residential, commercial and industrial developments;

2. Landscape areas and landscape islands in parking lots;
3. Planter strips along streets;
4. Yards in residential lots and common areas in multi-family developments;
and
5. Trees in areas to be retained as natural open space;

The following trees shall not be removed: Historic or significant trees as described in the City's Urban Forestry Ordinance.

- D. Construction.** All significant vegetation on a site that is not otherwise designated and approved by the City for removal shall be protected prior to, during, and after construction in accordance with a limit-of-clearing and grading plan approved by the City or conditions of approval of a land use review. The City may limit grading activities and operation of vehicles and heavy equipment in and around significant vegetation areas to prevent erosion, pollution, or landslide hazards.

A tree protection zone (TPZ) shall be established around the critical root zone (CRZ) of trees based on the drip line (leaf edges). Areas of significant vegetation and TPZs shall be protected by fencing a minimum four feet above the ground or other methods specified by a certified arborist or landscape architect. The minimum fencing standard shall consist of orange construction fencing securely attached to "T" posts firmly installed in the ground. Brightly-colored weather-proof signage prohibiting entrance shall be plainly visible on all sides of the fencing. The fencing and signage shall be installed prior to any other construction activity on the site and shall not be removed without the consent of the City Building Official.

- E. Exemptions.** The protection standards in "D", "E" and "F" shall not apply to tree removal allowed under an approved Tree Removal Permit that complies with Urban Forestry Ordinance Number 2010-44, including the following:
1. Up to thirty-five percent of the basal area of trees on a site during each ten-year period as described in Ordinance Number 2010-44; or
 2. Tree removal necessary to install building pads for permitted structures, driveways, and infrastructure improvements as shown on an approved site plan;
 3. Trees within thirty feet of residential structures;
 4. Any species of poplar or cottonwood;

5. Trees identified by a City appointed official or approved arborist as having a transferable blight, infestation, or disease; or as being structurally unsafe; and
 6. Trees approved for removal by the City Manager due to a hardship or practical difficulty.
- F. Penalties.** Applicants removing significant trees beyond those exempt under Subsection (E) above shall be subject to a fine for each tree removed. The fine shall be equal to fifty and no/100 dollars per inch of diameter for the first twenty inches, and one hundred and no/100 dollars for each inch of diameter over twenty inches.

Section 17.302.030 Landscaping

- A. Applicability.** This Section shall apply to all new developments requiring Site Design Review.
- B. Landscaping Plan Required.** A landscape plan is required. All landscape plans shall conform to the requirements in Section 17.401.050(C)(5), Landscape Plan.
- C. Landscape Area Standards.** The minimum percentage of required landscaping equals:
1. **Residential Neighborhoods.** Zero percent of the site for single family or duplex; 10% for all other.
 2. **Centers, Villages and Neighborhood Commercial.** Ten percent of the site including buffers and swales.*
 3. **Employment and Industrial.** Fifteen percent of the site including buffers and swales.*
- * Up to fifty percent of the landscape requirement can be achieved by roof-top gardens approved by the City.
- D. Open Space** provided pursuant to Chapters 17.201, 17.202, 17.203, and 17.309 may be applied to the Landscape or buffering Standards in Subsection (C) above as long as the requirements of Section 17.302.030(F), Landscape Design Standards are fully satisfied.
- E. Landscape Materials.** Permitted landscape materials include trees, shrubs, and ground cover plants that are adaptive to the local area; and non-plant ground covers and outdoor hardscape features as described below.

“Coverage” is based on the projected size of the plants at maturity, i.e., typically three or more years after planting.

1. **Existing Vegetation.** Existing non-invasive vegetation may be used in meeting landscape requirements. When existing mature trees are protected on the site (e.g., within or adjacent to parking areas) the decision making body may reduce the number of new trees required by a ratio of one inch caliper of new tree(s) for every one inch caliper of existing tree(s) protected. Existing vegetation is not required to be native to the local area to count toward landscape requirements.
2. **Plant Selection.** A combination of native deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, fire hazard resistance, and drainage conditions. When new vegetation is planted, soils shall be amended, as necessary, to allow for healthy plant growth. The use of drought-tolerant plant species is encouraged, and may be required when irrigation is not available.
3. **“Non-native, invasive” plants,** as per Section 17.302.020(A)(1), shall be removed during site development and the planting of new invasive species is prohibited.
4. **Hardscape features,** i.e., patios, decks, plazas, etc., may cover up to ten percent of the required landscape area; except in Mixed Use zones where hardscape features with pedestrian amenities may cover up to fifty percent of the landscape area. Swimming pools, sports courts, and similar active recreation facilities may not be counted toward fulfilling the landscape requirement. Plazas should be located, when possible, at south facing locations to maximize sun exposure.
5. **Ground Cover Standard.** All landscaped area, whether or not required, that is not planted with trees and shrubs, or covered with non-plant material (Subsection (8), below), shall have ground cover plants that are sized and spaced as follows: a minimum of one plant per twelve inches on center in triangular spacing, or other planting pattern that is designed to achieve seventy-five percent coverage of the area not covered by shrubs and tree canopy.
6. **Tree Size.** Trees shall have a minimum diameter or caliper at six inches above grade of two inches or greater at time of planting.
7. **Shrub Size.** Shrubs shall be planted from one gallon containers or larger.

8. **Non-plant Ground Covers.** Bark dust, chips, aggregate, or other non-plant ground covers may be used, Non-plant ground covers cannot be a substitute for ground cover plants.
 9. **Significant Vegetation.** Significant vegetation protected in accordance with Section 17.302.020(A)(1) may be credited toward meeting the minimum landscape area standards. Credit shall be granted on a per square foot basis. The Street Tree standards of Section 17.302.040 may be waived by the City when existing trees protected within the front yard provide the same or better shading and visual quality as would otherwise be provided by street trees.
 10. **Stormwater Facilities.** Stormwater treatment facilities (e.g., detention/retention ponds and swales designed for water quality treatment), when required under Section 17.304.050, shall be landscaped with water tolerant, native plants.
- F. Landscape Design Standards.** All yards, parking lots, and required street tree planter strips shall be landscaped to provide, as applicable, erosion control, visual interest, buffering, privacy, open space and pathway identification, shading, and wind buffering, based on the following criteria:
1. **Yard Setback Landscaping.** Landscaping in yards shall:
 - a. Provide visual screening and privacy within side and rear yards; while leaving front yards and building entrances mostly visible for security purposes;
 - b. Use shrubs and trees as wind breaks;
 - c. Retain natural vegetation;
 - d. Define pedestrian pathways and open space areas with landscape materials;
 - e. Provide focal points within a development, for example, by preserving large or unique trees or groves, hedges, and flowering plants;
 - f. Use trees to provide summer shading within common open space areas and within front yards when street trees cannot be provided;
 - g. Use a combination of plants for year-long color and interest;
 - h. Use landscaping and fences or walls to screen outdoor storage and mechanical equipment areas, and to enhance graded areas such as berms, swales, and detention/retention ponds.

2. ***Parking Areas.*** A minimum of ten percent of the total surface area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of “evenly distributed” shade trees with shrubs and/or ground cover plants that conform to the criteria in Section 17.302.030(F)(1)(a) – (h), above. “Evenly distributed” means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy. At a minimum, one tree per six parking spaces on average shall be planted to create a partial tree canopy over and around the parking area. All parking areas with more than twenty spaces shall include landscape islands with trees to break up the parking area into rows of not more than ten contiguous parking spaces. All parking area landscapes shall have dimensions of not less than twenty-four square feet of area, or not less than four feet in width by six feet in length, to ensure adequate soil, water, and space for healthy plant growth.
3. ***Buffering and Screening Required.*** Buffering and screening are required under the following conditions:
 - a. ***Parking/Maneuvering Area Adjacent to Streets and Drives.*** Where a parking or maneuvering area is adjacent and parallel to a street or driveway, an evergreen hedge; decorative wall (masonry or similar quality material) with openings; arcade, trellis, or similar partially opaque structure three to four feet in height shall be established between street and driveway. The required screening shall have breaks, where necessary, to allow pedestrian access to the site. The design of the wall or screening shall also provide breaks or openings for visual surveillance of the site and security.

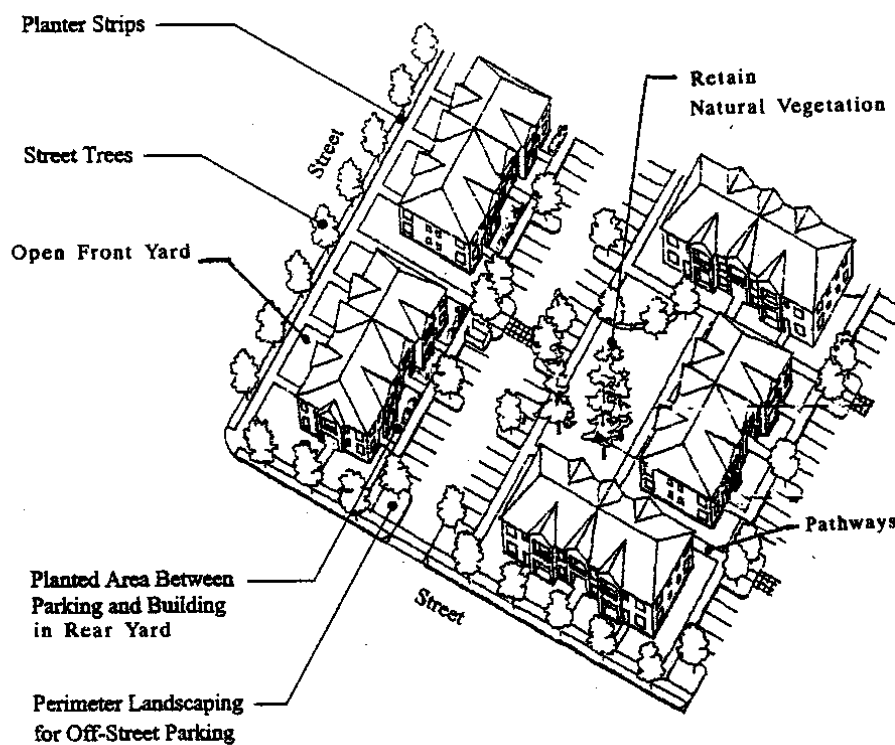
Any areas between the wall/hedge and the street/driveway line shall be landscaped with plants or other vegetative ground cover.
 - b. ***Parking/Maneuvering Area Adjacent to Building.*** Where a parking or maneuvering area, or driveway, is adjacent to a building, the area shall be separated from the building by a curb and a raised walkway, plaza, or landscaped buffer not less than five feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect pedestrians, landscaping, and buildings from being damaged by vehicles. Where parking areas are located adjacent to residential ground-floor living space, a four foot wide landscape buffer with a curbed edge may fulfill this requirement.
 - c. ***Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Other Screening When Required.*** All mechanical equipment, outdoor storage and manufacturing, and service and

delivery areas, shall be screened from view from all public streets and adjacent Residential zones. When these or other areas are required to be screened, such screening shall be provided by fences or walls, and landscaping as prescribed below:

- i. a decorative wall (i.e., masonry or similar quality material),
- ii. a continuous evergreen hedge,
- iii. opaque fence complying with Section 17.302.050, or
- iv. a similar feature that provides an opaque barrier.

Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation, in accordance with Chapter 17.301, Access and Circulation. See Section 17.302.050 for standards specific to fences and walls.

General Landscape Areas (Typical)



G. Maintenance and Irrigation. Irrigation shall be provided for plants that are not drought-tolerant. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.). All man-

made features required by this Code shall be maintained in good condition, or otherwise replaced by the owner.

Section 17.302.040 Street Trees

- A. Purpose.** These standards are intended to result in the provision of street trees throughout the community. Street trees are an important part of the City's overall livability and character because they help beautify streets, provide habitat, separate pedestrians from vehicular areas, and result in many other environmental and aesthetic benefits.
- B. Applicability.** Street trees shall be planted for all developments that are subject to a Land Division or Site Design Review, and maybe required for any other project resulting in the provision of sidewalk improvements. Requirements for street tree planting strips are provided in the Transportation System Plan Standards. Planting of street trees shall generally follow directly after the construction of curbs and sidewalks; however, the City may defer tree planting until final inspection of completed improvements to avoid damage to trees during construction. The planting and maintenance of street trees shall conform to the following standards and guidelines and any applicable road authority requirements.
- C. Growth Characteristics.** Trees shall be selected based on climate zone, growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection by developers and approval by the City:
1. Provide a broad canopy where shade is desired.
 2. Use low-growing trees for spaces under low utility wires.
 3. Select trees that can be "limbed-up" to comply with vision clearance requirements.
 4. Use narrow or "columnar" trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
 5. Use species with similar growth characteristics on the same block for design continuity.
 6. Avoid using trees that are susceptible to insect damage and trees that produce excessive seeds or fruit.

7. Select trees that are well-adapted to the environment, including soil, wind, sun exposure, temperature tolerance, and exhaust. Drought-resistant trees should be chosen where they suit the specific soil type.
 8. Select trees for their seasonal color if desired.
 9. Use deciduous trees for summer shade and winter sun, unless unsuited to the location due to soil, wind, sun exposure, annual precipitation, or exhaust.
 10. The diameter of the tree trunk at maturity shall not exceed the width and size of the planter strip or tree well.
- D. Caliper Size.** The minimum diameter or caliper size at planting, as measured six inches above grade, shall be at least two inches.
- E. Spacing and Location.** Street trees shall be planted within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utility easements occupy these areas. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain sixteen square feet, or typically, four feet by four feet. In general, trees shall be spaced no more than forty feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities, driveways, street lights and similar physical barriers.
- F. Soil Preparation, Planting and Care.** The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for one year after planting. The owner or developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first two years after planting, after which the adjacent property owners shall maintain the trees.
- G.** The City shall require the developer to provide a performance and maintenance bond, or other satisfactory security in an amount determined by the City Engineer, to ensure the planting of the tree(s) and care during the first one year after planting.
- H. Street Tree List.** Permitted street tree species are those found within the most recent City of Portland or Metro Street Tree List.

Section 17.302.050 Fences and Walls

- A. Purpose.** This Section sets standards for fences and walls to promote security, personal safety, privacy, and aesthetics.

B. General Requirements and Applicability. All fences and walls shall comply with the height limitations below. The City may require installation of walls and/or fences as a condition of development approval, in accordance with Land Division approval, approval of a Conditional Use Permit, or Site Design Review approval. When required through one of these types of approvals, no further Land Use Review is required. If not part of a prior land use approval, new fences and walls require Land Use Review (Type I) approval; if greater than six feet in height, a Building Permit is also required. See also Section 17.302.030 for Landscape Screening Wall requirements.

C. Dimensions.

1. Except as provided under Subsections (C)(2) and (3), below, the height of fences and walls within a front yard setback shall not exceed four feet as measured from the grade closest to the street right-of-way.
2. A retaining wall exceeding four feet in height within a front yard setback, which is necessary for site grading and development, may be approved through a Land Division or Site Development Review.
3. One arbor, gate, or similar garden structures not exceeding eight feet in height and four feet in width is allowed within the front yard, provided that it is not within a clear vision triangle.
4. Walls and fences to be built for required buffers shall comply with Section 17.302.030.
5. Fences and walls shall comply with the vision clearance standards of Section 17.301.020(L).

D. Maintenance. For safety and for compliance with the purpose of this Chapter, walls and fences required as a condition of development approval shall be maintained in good condition, or otherwise replaced by the property owner.

E. Materials.

1. Permitted fence and wall materials: wood; metal; brick, stone; stucco, or similar masonry, and non-prohibited evergreen plants.
2. Prohibited fence and wall materials: razor wire.
3. Fences or walls constructed of brick or masonry exceeding four feet in height shall be subject to review and approval by the City Engineer. Those that are taller than six feet also require a Building Permit.

Chapter 17.303**PARKING AND LOADING****Sections:****Section 17.303.010**Parking and Loading**Section 17.303.020**Automobile Parking Standards**Section 17.303.030**Bicycle Parking Standards**Section 17.303.040**Loading Areas**Section 17.303.010**Parking and Loading

A. Purpose. The purpose of this Chapter is to provide basic and flexible standards for development of vehicle and bicycle parking. The design of parking areas is critically important to the economic viability of some commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Historically, some communities have required more parking than is necessary for some land uses, paving extensive areas of land that could be put to better use. Because vehicle parking facilities occupy large amounts of land, they must be planned and designed carefully to use the land efficiently, minimize stormwater runoff, and maintain the visual character of the community. This Chapter recognizes that each development has unique parking needs and provides a flexible approach for determining parking space requirements (i.e., “minimum” and “performance-based” standards). This Chapter also provides standards for bicycle parking because many people use bicycles for recreation, commuting, and general transportation. Children as well as adults need safe and adequate spaces to park their bicycles throughout the community.

B. Applicability. All developments subject to Site Design Review (Chapter 17.401), including development of parking facilities, shall comply with the provisions of this Chapter.

Section 17.303.020Automobile Parking Standards**A. Vehicle Parking - Minimal Standards by Use.**

The number of required off-street vehicle parking spaces shall be determined in accordance with the standards in Table 17.303.020(A), or alternatively, through a separate parking demand analysis prepared by the applicant and subject to a Type II Land Use Review. Where a use is not specifically listed in this Table, parking requirements are determined by finding that a use is similar to one of those listed in terms of parking needs, or by estimating parking needs individually using the demand analysis option described above. Parking that counts toward the minimum requirement is parking in

garages, carports, parking lots, bays along driveways, shared parking, and designated on-street parking.

Table 17.303.020A – Minimum Required Parking by Use		
<i>Use Categories</i>	<i>Minimum Parking per Land Use</i>	<i>Maximum Parking per Land Use</i>
Residential Categories		
<i>Household Living</i>		
Accessory Dwelling	None	None
Single-Family Dwelling, including attached and detached dwellings and manufactured homes	One space	None
Duplex:	Two spaces	None
Triplex:	Three spaces	
Multi-family	One and a quarter spaces per one bedroom unit One and a half spaces per two-bedroom unit One and three quarter spaces per three bedroom or more unit	
Group Living, such as nursing or convalescent homes, rest homes, assisted living, congregate care, and similar special needs housings.	One half space per four bedrooms	None
Commercial Categories		
Drive-up/Drive-in/Drive-through (drive-up windows, kiosks, ATMs, similar uses/facilities), per Section 17.202.100	No requirement. See Section 17.202.100 for queuing area requirements.	
Bed and Breakfast Inn	One space per bedroom	None
Educational Services, not a school (e.g., tutoring or similar services)	Two spaces per one thousand square feet of floor area	None
Entertainment, Major event	Per Conditional Use Permit Review (Chapter 17.404)	

Table 17.303.020A – Minimum Required Parking by Use		
<i>Use Categories</i>	<i>Minimum Parking per Land Use</i>	<i>Maximum Parking per Land Use</i>
Commercial Categories		
Offices	Two point seven spaces per one thousand square feet of gross leasable area	Four point one spaces per one thousand square feet of gross leasable area
Outdoor Recreation, Commercial	Per Conditional Use Permit Review (Chapter 17.404)	
Parking Lot (when not an accessory use)	Per Conditional Use Permit Review (Chapter 17.404)	
Vehicle Service or Vehicle Repair (See also Drive-up uses)	2 spaces, or per Conditional Use Permit Review (Chapter 17.404)	
Retail Commercial, including shopping centers	Four point one spaces per one thousand square feet of gross leasable area	Six point two spaces per one thousand square feet of gross leasable area
Medical/Dental Clinic	Three point nine spaces per one thousand square feet of gross leasable area	Five point nine spaces per one thousand square feet of gross leasable area
Restaurants and bars	Fifteen point three spaces per one thousand square feet of gross leasable area	Twenty-three spaces per one thousand square feet of gross leasable area
Restaurant, fast-food with drive-through	Nine point nine spaces per one thousand square feet of gross leasable area	Fourteen point nine spaces per one thousand square feet of gross leasable area

Table 17.303.020A – Minimum Required Parking by Use		
<i>Use Categories</i>	<i>Minimum Parking per Land Use</i>	<i>Maximum Parking per Land Use</i>
Commercial Categories		
Health clubs, gyms, continuous entertainment (e.g., bowling alleys)	Four point three spaces per one thousand square feet of gross leasable area	Six point five spaces per one thousand square feet of gross leasable area
Lodging (hotels, motels, inns)	Three quarter spaces per rentable room	
Theaters and Cinemas	Point three spaces per one thousand square feet of gross leasable area	One half space per one thousand square feet of gross leasable area
Self-Service Storage	None	None
Industrial Categories		
Industrial Service	One point six spaces per one thousand square feet of gross leasable area	None
Manufacturing and Production	One point six spaces per one thousand square feet of gross leasable area	None
Warehouse and Freight Movement	Point three spaces per one thousand square feet of gross leasable area	One half space per one thousand square feet of gross leasable area
Waste-Related	Per Conditional Use Permit Review (Chapter 17.404)	
Wholesale Sales Fully enclosed:	One half space per one thousand square feet	None
Not enclosed:	Per Conditional Use Permit Review (Chapter 17.404)	

Table 17.303.020A – Minimum Required Parking by Use		
<i>Use Categories</i>	<i>Minimum Parking per Land Use</i>	<i>Maximum Parking per Land Use</i>
Industrial Categories		
Basic Utilities	None	None
Community Service	One space per five hundred square feet of floor area	None
Daycare, adult or child day care; does not include Family Daycare (twelve or fewer children) under ORS 657A.250	One space per five hundred square feet of floor area	None
Parks and Open Space	Per Conditional Use Permit Review for active recreation areas, or no standard	
Religious Institutions and Houses of Worship	One half space per seat	Point eighth space per seat
Schools (college, university, high school)	Point second space per number of students plus staff	Point third space per number of students plus staff
Schools (grade, elementary, middle, junior high)	One space per classroom or per Conditional Use Permit Review (Chapter 17.404)	None
Other Categories		
Accessory Uses (with a Permitted Use)	No standard, except some uses may be required to provide parking under the minimum standards for primary uses, as determined by the decision body through Land Use Review, Conditional Use Permit Review, or Site Design Review.	
Urban Agriculture	None, See Section 17.201.090(M)	
Farmers Markets	See Section 17.201.090(L), as applicable	
Mining	Determined per Conditional Use Permit Review (Chapter 17.404)	
Radio Frequency Transmission Facilities	None	
Rail Lines and Utility Corridors, except those existing prior to effective date of Development Code are allowed.	None	

Temporary Uses (limited to “P” and “CU” uses)	As determined per Chapter 17.411
Transportation Facilities (operation, maintenance, preservation, and construction in accordance with the City’s Transportation System Plan)	None

B. Vehicle Parking – Minimum Accessible Parking

1. Accessible parking shall be consistent with the most current edition of the ADA Standards for Accessible Design, and provided for all uses in accordance the standards in Table 17.303.020(B); parking spaces used to meet the standards in the Table shall be counted toward meeting off-street parking requirements in this Table;
2. Such parking shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the entrance on an unobstructed path or walkway;
3. Accessible spaces shall be grouped in pairs where possible;
4. Where covered parking is provided, covered accessible spaces shall be provided in the same ratio as covered non-accessible spaces;
5. Required accessible parking spaces shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities; signs shall be posted directly in front of the parking space at a height of no less than forty-two inches and no more than seventy-two inches above pavement level. Van spaces shall be specifically identified as such.

C. On-Street Parking. On-street parking shall conform to the following standards:

1. **Dimensions.** The following constitutes one on-street parking space:
 - a. Parallel parking, each twenty-two feet of uninterrupted curb;
 - b. Forty-five/Sixty degree diagonal, each with twelve feet of curb;
 - c. Ninety degree perpendicular parking, each with twelve feet of curb.
2. **Location.** Parking may be counted toward the minimum standards in Table 17.303.020(A) when it is on the block face abutting the subject land use. An on-street parking space must not obstruct a required clear vision area and its must not violate any law or street standard.

3. **Public Use Required for Credit.** On-street parking spaces counted toward meeting the parking requirements of a specific use may not be used exclusively by that use, but shall be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited.
- D. Shared Parking.** Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature; weekday uses versus weekend uses), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use. The City may approve owner requests for shared parking through Land Use Review.
- E. Off-site Parking.** Except for single-family dwellings, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within three hundred feet of the use it serves and the City has approved the off-site parking through Land Use Review. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument.
- F. General Parking Standards.**
 1. **Location.** Parking is allowed only on streets, within garages, carports, and other structures, or on driveways or parking lots that have been developed in conformance with this Code. Article 17.2, Land Use Zones, prescribes parking location for some land uses (e.g., the requirement that parking for some multiple family and commercial developments be located to side or rear of buildings), and Chapter 17.301, Access and Circulation, provides design standards for driveways. Street parking spaces shall not include space in a vehicle travel lane (including emergency or fire access lanes), public right-of-way, pedestrian access way, landscape, or other undesignated area.
 2. **Mixed Uses.** If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). The City may reduce the total parking required accordingly through Land Use Review.
 3. **Availability of Facilities.** Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers, and/or employees. Signs shall conform to the standards of

Chapter 17.305.

4. **Lighting.** Parking areas shall have lighting consistent with Chapter 17.307 Outdoor Lighting Standards.
5. **Screening of Parking Areas.** Parking spaces shall be located or screened so that headlights do not shine onto adjacent residential uses, per Section 17.302.030(F).
6. **Large Parking Lots.** Surface parking lots over three acres in size shall contain the following elements:
 - a. Internal access ways that divide the parking area into smaller areas that are no greater than fifty five thousand square feet;
 - b. These accessways must connect to the adjacent street at least every two hundred fifty feet; and
 - c. Each internal accessway must have at least one auto travel lane, curbs, and unobstructed sidewalks on both sides. In addition, one of the following must be met:
 - i. The sidewalks must be at least ten feet wide and planted with trees. One large tree is required per thirty lineal feet of sidewalk, one medium tree per twenty-two lineal feet of sidewalk, or one small tree per fifteen lineal feet of sidewalk. Trees of different sizes may be combined to meet the standard; and
 - ii. The unpaved area may be covered with a tree grate. Tree wells must be adjacent to the curb, and must be located so there is at least six feet of unobstructed sidewalk; or
 - iii. The sidewalks must be at least six feet wide. There must be a planting strip at least four feet wide. The planting strip must be between the curb and the sidewalk and be landscaped.
 - d. The internal access ways are excluded from the portion of the parking and loading area used to calculate required parking lot landscaping per Section 17.302.030(F)(2).

G. Parking Stall Design and Minimum Dimensions. All off-street parking spaces shall be improved to conform to City standards for surfacing, stormwater management, and striping. Standard parking spaces shall conform to the following standards and the dimensions in the Parking Area Layout and Disabled Person Parking Requirements Figures below and Table 17.303.020(C), and the following:

1. Any variations from the requirements of this Section shall not result in a overhang of more than two feet.
2. Parking areas shall conform to Americans with Disabilities Act (ADA) standards for parking spaces (dimensions, van accessible parking spaces, etc.). Parking structure vertical clearance, van accessible parking spaces, should refer to Federal ADA guidelines; and
3. Bicycle parking shall be on a two feet by six feet minimum area per bike, or within a garage or patio of residential use. The City may specify the surface materials under the required bike parking.

Parking Area Layout

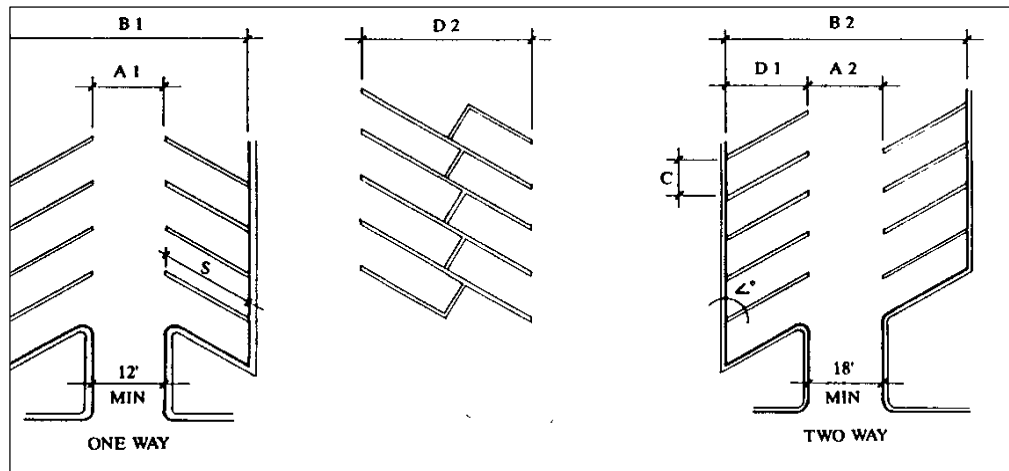


Table 17.303.020C - Parking Area Layout

	Parking Angle	Curb Length	Stall Depth		Aisle Width		Bay Width		Stripe Length
			Single D1	Double D2	One Way A1	Two Way A2	One Way B1	Two Way B2	
Standard Space (See Disabled)	90	9'	18'	36'	23'	23'	59'	59'	18'
	60	10'	20'	40'	17'	18'	57'	58'	23'
	45	12'	18'-6"	37'	13'	18'	50'	55'	26'-6"
	30	17'	16'-6"	33'	12'	18'	45'	51'	32'-8"

Person Parking for ADA space requirements)	0	22'	8'-6"	17'	12'	18'	29'	35'	8'-6"
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Important cross-references: See also, Article 2, Land Use Zones standards, for parking location requirements for some multi-family and commercial land uses; Chapter 17.301, Access and Circulation, for driveway standards; Chapter 17.302, Landscaping, Street Trees, Fences and Walls and those sections that pertain to Surface Water Management.

Section 17.303.030 Bicycle Parking Standards

All uses that are subject to Site Design Review shall provide bicycle parking, in conformance with the standards in Table 17.303.030, and Subsections (A – H), below.

- A. Minimum Required Bicycle Parking Spaces.** Uses shall provide long- and short-term bicycle parking spaces, as designated in Table 17.303.030. Where two options are provided (e.g., two spaces, or one per eight bedrooms), the option resulting in more bicycle parking is used.
- B. Exemptions.** This Section does not apply to single-family and two-family housing (attached, detached, or manufactured housing), home based businesses, agriculture and livestock uses.
- C. Location and Design.** Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space, or fifty feet, whichever is less. Long-term (i.e., covered or enclosed) bicycle parking should be incorporated whenever possible into building design. Short-term bicycle parking, when allowed within a public right-of-way, should be coordinated with the design of street furniture, as applicable.
- D. Visibility and Security.** Bicycle parking for customers and visitors of a use shall be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage
- E. Options for Storage.** Long-term bicycle parking requirements for multiple family uses and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.
- F. Lighting.** For security, bicycle parking shall be at least as well lit as vehicle parking.

G. Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.

H. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards of Section 17.301.020(L).

Table 17.303.030 Minimum Required Bicycle Parking Spaces			
Use Categories	Specific Uses	Long-term Spaces (covered or enclosed)	Short-term Spaces (near building entry)
Residential Categories			
Household Living	Multi-family	One per five units	Two, or one per twenty units
Group Living		Two, or one per twenty bedrooms	None
	Dormitory	One per eight bedrooms	None
Commercial Categories			
Retail Sales And Service		Two, or one per twelve thousand square feet of floor area	Two, or one per five thousand square feet of floor area
	Lodging	Two, or one per twenty rentable rooms	Two, or one per twenty rentable rooms
Office		Two, or one per ten thousand square feet of floor area	Two, or one per forty thousand square feet of floor area
Commercial Outdoor Recreation		Eight, or one per twenty auto spaces	None
Major Event Entertainment		Eight, or one per forty seats or per Conditional Use Permit Review	None
Industrial Categories			
Manufacturing And Production		Two, or one per fifteen thousand square feet	None



Section 17.303.040 Loading Areas

A. Purpose. The purpose of this Section of the Code is to provide standards for a minimum number of off-street loading spaces that will ensure adequate loading areas for large uses and developments, and to ensure that the appearance of loading areas is consistent with that of parking areas.

B. Applicability. Section 17.303.040 applies to residential projects with fifty or more multi-family dwelling units, and non-residential and mixed-use buildings with twenty thousand square feet or more total floor area.

C. Number of Loading Spaces.

1. **Residential buildings.** Buildings where all of the floor area is in multi-family residential use shall meet the following standards:
 - a. Fewer than fifty dwelling units on a site that abuts a local street: No loading spaces are required.
 - b. All other buildings: One space.
2. **Non-residential and mixed-use buildings.** Buildings where any floor area is in non-residential uses shall meet the following standards:
 - a. Less than twenty thousand square feet total floor area: No loading spaces required.
 - b. Twenty to fifty thousand square feet of total floor area: One loading space.
 - c. More than fifty thousand square feet of total floor area: Two loading

spaces.

- D. Size of Spaces.** Required loading spaces shall be at least thirty-five feet long and ten feet wide, and shall have a height clearance of at least fourteen feet.
- E. Placement, setbacks, and landscaping.** Loading areas shall conform to the setback and perimeter landscaping standards in Articles 2 and 3. Where parking areas are prohibited between a building and the street, loading areas are also prohibited. The decision body may approve a loading area adjacent to or within the street right-of-way through Site Design Review or Conditional Use Permit Review, as applicable, where it finds that loading and unloading operations are short in duration (i.e., less than one hour), not obstruct traffic during peak traffic hours, or interfere with emergency response services. Loading zones shall not be located in the front yard or adjacent to a collector or arterial street.

Chapter 17.304**PUBLIC FACILITIES STANDARDS****Sections:**

- Section 17.304.010 Purpose and Applicability**
- Section 17.304.020 Transportation Standards**
- Section 17.304.030 Public Use Areas**
- Section 17.304.040 Sanitary Sewer and Water Service Improvements**
- Section 17.304.050 Storm Drainage Improvements**
- Section 17.304.060 Utilities**
- Section 17.304.070 Easements**
- Section 17.304.080 Construction Plan Approval and Assurances**
- Section 17.304.090 Installation**
- Section 17.304.100 Transit Improvement**

Section 17.304.010 Purpose and Applicability

- A. Purpose.** The purpose of this Chapter is to provide planning and design standards for public facilities. These standards implement the Comprehensive Plan, Transportation System Plan, Public Facilities Plan, and other related public facility master plans.
- B. When Standards Apply.** Unless otherwise provided, the standard specifications for construction, reconstruction, or repair of transportation facilities, utilities, and other public improvements within the City shall occur in accordance with the standards of this Chapter. No development may occur unless the public facilities related to development comply with the public facility requirements established in this Chapter.
- C. Engineering Design Criteria, Standard Specifications and Details.** The Standard Specifications for Public Works Construction, City of Damascus Municipal Code Design and Construction Standards, shall be a part of the City's adopted installation standard(s); other standards may also be required upon recommendation of the City Engineer and/or Public Works Director. The design criteria, standard construction specifications and details maintained by the City Engineer and/or Public Works Director, or any other road authority or utility service provider with jurisdiction, shall supplement the general design standards of this Development Code. The City's specifications, standards, and details are hereby incorporated into this Code by reference.
- D. Conditions of Development Approval.** No development may occur unless required public facilities are in place or guaranteed, in conformance with the

provisions of this Code and adopted City requirements for public facility provision, including those implemented through intergovernmental agreements with service providers. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of the development on public facilities. Findings in the development approval shall indicate how the required improvements are directly related and roughly proportional to the impact. The City may require special studies from applicants in order to determine proportionality. Off-site road improvements required as a condition of approval shall accommodate bicycle and pedestrian travel, including facilities on arterials and major collectors.

Section 17.304.020 Transportation Standards

A. Development Standards. The following standards shall be met for all new uses and developments:

1. All new lots created, consolidated, or modified through a land division, partition, lot line adjustment, lot consolidation, or street vacation must have frontage or approved access to a public street.
2. Streets within or adjacent to a development shall be improved in accordance with the transportation System Plan and the provisions of this Chapter.
3. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this Section.

B. Guarantee. The City may accept a future improvement guarantee (e.g., owner agrees not to object to the formation of a local improvement district in the future) in lieu of street improvements if one or more of the following conditions exist:

1. A partial improvement may create a potential safety hazard to motorists or pedestrians;
2. Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;
3. The improvement would be in conflict with an adopted capital improvement plan; or
4. The improvement is associated with an approved land partition in the

Residential zone and the proposed land partition does not create any new streets.

C. Creation of Rights-of-Way for Streets and Related Purposes. Streets shall be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a street by acceptance of a deed, provided that the street is deemed in the public interest by the City Council for the purpose of implementing the Transportation System Plan, and the deeded right-of-way conforms to the standards of this Code.

D. Creation of Access Easements. The City may require an access easement when the easement is necessary to provide for access and circulation in conformance with Chapter 17.301, Access and Circulation. Access easements shall be created and maintained in accordance with the Uniform Fire Code and the Transportation System Plan.

E. Street Location, Width, and Grade. Except as noted below, the location, width and grade of all streets shall conform to the Transportation System Plan or an approved street plan or subdivision plat. Street location, width, and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets:

1. Street grades shall be approved by the City Engineer and/or Public Works Director in accordance with the design standards in Subsection (N), below; and
2. Where the location of a street is not shown in an existing street plan, the location of streets in a development shall either:
 - a. Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this Chapter, or
 - b. Conform to a street plan adopted by the City if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets, and the need for public convenience and safety.

F. Minimum Rights-of-Way and Street Sections. Street rights-of-way and improvements shall be designed and constructed in accordance with the street cross sections in the Damascus Transportation System Plan and City of Damascus Municipal Code Design and Construction

Standards. A Variance shall be required to vary the street cross sections standards. These standards may be varied in a Planned Development Review. Where a range of width is indicated, the width shall be the narrower in the range unless unique and specific conditions exists as determined by the decision-making authority based upon one or more of the following factors:

1. Street classification in the Transportation System Plan;
2. Anticipated traffic generation;
3. On-street parking needs;
4. Sidewalk and bikeway requirements based on anticipated level of use;
5. Requirements for placement of utilities;
6. Street lighting;
7. Minimize drainage, slope, and natural resource impacts, as identified by Chapter 17.309
8. Street tree location, as provided for in Chapter 17.302;
9. Protection of significant vegetation, as provided for in Chapter 17.302;
10. Safety and comfort for motorists, bicyclists, and pedestrians;
11. Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided;
12. Access needs for emergency vehicles; and
13. Transition between different street widths (i.e., existing streets and new streets).

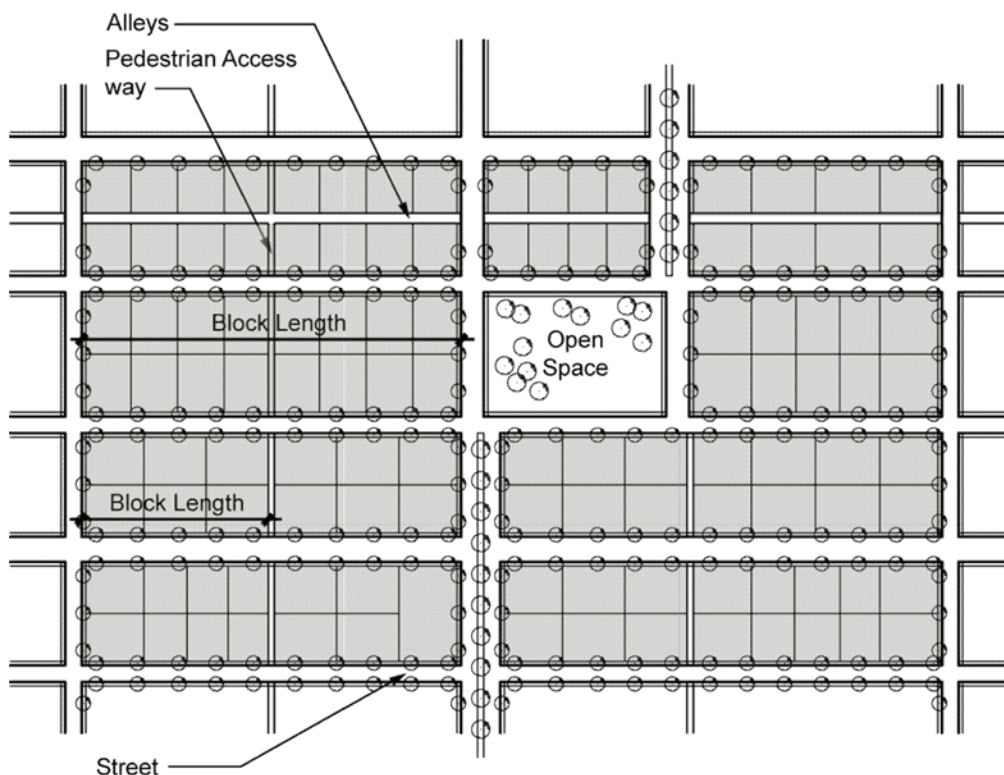
G. Subdivision Street Connectivity. All subdivisions shall conform to all the following access and circulation design standards, as applicable:

1. **Connectivity to Abutting Lands.** The street system of proposed developments shall be designed to connect with existing, proposed, and planned streets outside of the subdivision as provided in this Section. Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided to allow access to future abutting subdivisions and to logically extend the street system into the surrounding area. All street stubs shall

be provided with a temporary turn-around unless specifically exempted by the City Engineer and/or Public Works Director and Fire Marshal, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.

2. **When Abutting an Arterial Street.** Property access to abutting arterials shall be minimized. Where such access is necessary, shared driveways may be required in conformance with Section 17.301.020. If vehicle access off a secondary street is possible, then the road authority shall prohibit access to the arterial.
3. **Continuation of Streets.** Planned streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods and to facilitate emergency access and evacuation. Connections shall be designed to meet or exceed the standards in Subsection (G)(4), below, and to avoid or minimize through traffic on local streets. Appropriate design and traffic control and traffic calming measures, as provided in Subsection (), below, are the preferred means of discouraging through traffic.
4. **Street Connectivity and Formation of Blocks.** In order to promote efficient vehicular and pedestrian circulation throughout the City, subdivisions and site developments of more than two acres may be served by a connecting network of public streets and/or access ways, in accordance with the following standards (minimum and maximum distances between the centerlines of two streets or a street and its nearest access way):
 - a. *Residential:* Minimum of one hundred foot block length and maximum of six hundred length; maximum one thousand eight hundred feet block perimeter unless impracticable due to topography, natural resource, arterial or collector street access restrictions, surrounding development patterns, or other similar constraints;
 - b. *Villages/Centers:* Minimum of one hundred foot length and maximum of four hundred foot length; maximum one thousand five hundred foot perimeter unless impracticable due to topography, natural resource, arterial or collector street access restrictions, surrounding development patterns, or other similar constraints;
 - c. *Employment/Industrial:* No public streets required; no minimum or maximum block size required,
 - d. Not applicable to the Industrial Zone;

Street Connectivity and Formation of Blocks



5. **Pedestrian Access Way Standards.** Where a street connection in conformance with the maximum block length standards in Subsection (G)(4) is impracticable, an access way shall be provided at or near the middle of a block in lieu of the street connection, as generally shown in Street Connectivity and Formation of Blocks Figure. The City may also require developers to provide an access way where a cul-de-sac or other street is planned and the access way would connect the streets or provide a connection to other developments. Such access ways shall conform to all of the following standards:

- a. Mid-block access ways shall be no further than three hundred thirty feet from the nearest full intersection unless prevented by physical barriers. Block lengths can be altered to accommodate natural features.
- b. Access ways shall be no less than ten feet wide and located within a right-of-way or easement allowing public access and, as applicable, emergency vehicle access;
- c. If the streets within the subdivision or neighborhood are lighted, all access ways in the subdivision shall be lighted. Access way illumination shall provide at least two foot candles;

- d. A right-of-way or public access easement provided in accordance with Subsection 17.304.020(C) that is less than twenty feet wide may be allowed on steep slopes where the decision body finds that stairs, ramps, or switch-back paths are required;
- e. All access ways shall conform to applicable American Disabilities Act (ADA) guidelines;
- f. The City may require landscaping as part of the required accessway improvement to buffer pedestrians from adjacent vehicles, provided that landscaping or fencing adjacent to the accessway does not exceed four feet in height; and
- g. These standards may be modified by the decision body without a Variance when the modification affords greater convenience or comfort for, and does not compromise the safety of, pedestrians or bicyclists. The standards may be modified as part of Planned Development Review.

H. Traffic Signals and Traffic Calming Features.

- 1. Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the Highway Capacity Manual and Manual of Uniform Traffic Control Devices. The location of traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed in conformance with the road authority's requirements. The developer's cost and the timing of improvements shall be included as a condition of development approval.
- 2. When an intersection meets or is projected to meet traffic signal warrants, the City may accept alternative mitigation, such as a roundabout, in lieu of a traffic signal, if approved by the City Engineer and/or Public Works Director and applicable road authority.
- 3. The City may require the installation of calming features such as traffic circles, curb extensions, reduced street width (parking on one side), medians with pedestrian crossing refuges, and/or special paving to slow traffic in neighborhoods or commercial areas with high pedestrian traffic.

I. Future Street Plan and Extension of Streets.

- 1. A Future Street Plan shall be filed by the applicant in conjunction with an application for a Subdivision in order to facilitate orderly development of the street system. The Plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other divisible parcels within six hundred feet surrounding

and adjacent to the proposed land division. The street plan is not binding; rather it is intended to show potential future street extensions with future development

2. Streets shall be extended to the boundary lines of the parcel or tract to be developed when the City determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land. The point where the streets temporarily end shall conform to Subsections (1)(2)(a – c), below:
 - a. These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.
 - b. A barricade (e.g., fence, bollards, boulders or similar vehicle barrier) shall be constructed at the end of the street by the subdivider and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.
 - c. Temporary street ends shall provide temporary turnarounds constructed to Uniform Fire Code standards for streets over one hundred fifty feet in length. See also, Section 17.301.020.

J. Street Alignment, Radii, and Connections.

1. Staggering of streets making "T" intersections at collectors and arterials shall not be designed so that offsets of less than three hundred feet on such streets are created, as measured from the centerline of the street.
2. Spacing between local street intersections shall have a minimum separation of one hundred twenty-five feet, except where more closely spaced intersections are designed to provide an open space, pocket park, common area, or similar neighborhood amenity. This standard applies to four-way and three-way off-set intersections.
3. All local and collector streets that stub into a development site shall be extended within the site to provide through circulation unless prevented by environmental or topographical constraints, existing development patterns, or compliance with other standards in this Code. This exception applies when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than fifteen percent for a distance of two hundred fifty feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the environmental or topographic constraint precludes some reasonable street

connection.

4. Proposed streets or street extensions shall be located to allow continuity in street alignments and to facilitate future development of vacant or redevelopable lands to the extent practicable.
5. In order to promote efficient vehicular and pedestrian circulation throughout the City, the design of subdivisions and alignment of new streets shall conform to the block length standards above to the extent practicable.

K. Sidewalks, Planter Strips, Bicycle Lanes. Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with the standards in the applicable provisions of Transportation System Plan, the Comprehensive Plan, and adopted street plans. Maintenance of sidewalks and planter strips in the right-of-way is the continuing obligation of the adjacent property owner.

L. Existing Rights-of-Way. Whenever existing rights-of-way adjacent to a proposed development are less than standard width, additional rights-of-way shall be provided at the time of subdivision or development, subject to the provision of Section 17.304.020(F).

M. Cul-de-sacs. A cul-de-sac street shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this code which preclude street extension and through circulation. When cul-de-sacs are provided, all of the following shall be met:

1. The cul-de-sac shall not exceed a length of two hundred twenty feet, or provide access to more than twenty-five dwelling units; the length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac to the extent practicable;
2. The cul-de-sac may provide, a pedestrian and bicycle access-way connection between it an adjacent streets access ways, parks, or other right-of-way. Such access ways shall conform to Chapter 17.301.

N. Grades and Curves. See City of Damascus Design and Construction Standards.

O. Development Adjoining Arterial Streets. Where a development adjoins or is crossed by an existing or proposed arterial street, the development design shall separate residential access from through traffic and minimize traffic conflicts. See also, the access requirements under Section 17.301.020. The development design shall include one or more of the following:

1. A parallel access street (frontage road) along the arterial with a landscape median (raised curbs) of not less than ten feet in width separating the two streets;
 2. Deep lots one hundred twenty feet or greater abutting the arterial or major collector to provide adequate buffering with frontage along another street;
 3. Screen planting within a non-access reservation (e.g., public easement or tract) of not less than five to ten feet in width at the rear or side property line along the arterial; or
 4. Other treatment approved by the City that is consistent with the purpose of this Section;
- P. Alleys, Public or Private.** Alleys shall conform to the standards in the Transportation System Plan. Alley intersections and sharp changes in alignment shall be avoided. The corners of necessary alley intersections shall have a radius of not less than twelve feet.
- Q. Street Names.** No new street name shall be used which will duplicate or be confused with the names of existing streets in Clackamas County. Street names, signs, and numbers shall conform to the established pattern in the surrounding area, except as requested by emergency service providers.
- R. Street Signs.** The City, County, or State with jurisdiction shall install all signs for traffic control and street names. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.
- S. Mail Boxes.** Plans for mail boxes shall be approved by the United States Postal Service.
- T. Street Light Standards.** Street lights shall be installed in accordance with City standards.

Section 17.304.030 Public Use Areas

A. Dedication of Public Use Areas.

1. Where a proposed park, playground, or other public use shown in a plan adopted by the City is located in whole or in part in a subdivision, the City may require the dedication or reservation of this area on the final plat for the subdivision for public or private use, provided that the impact of the development on the City park system is roughly proportionate to the dedication or reservation being made.
2. The City shall purchase or may accept voluntary dedication or reservation

of areas within the subdivision that are suitable for the development of parks and other public uses; however, the City is under no obligation to accept such areas offered for dedication and the property owner is under no obligation to dedicate to the City..

- B. System Development Charge Credit.** Dedication of land to the City for public use areas, voluntary or otherwise, shall receive a credit toward any required system development charge for parks.

Section 17.304.040 Sanitary Sewer and Water Service Improvements

- A. Sewers and Water Mains Required.** Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's Sanitary Sewer Master Plan, Water System Master Plan, and the applicable construction specifications. When streets are required to be stubbed to the edge of the subdivision, sewer and water system improvements shall also be stubbed with the streets, except as may be waived by the City Engineer and/or Public Works Director.
- B. Sewer and Water Plan Approval.** Development permits for sewer and water improvements shall not be issued until the City Engineer and/or Public Works Director, or the utility service provider as appropriate, has approved all sanitary sewer and water plans in conformance with applicable standards.
- C. Over-Sizing.** The City may require as a condition of development approval that sewer, water, and/or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable Water, Sewer, and/or Storm Drainage Master Plan, provided that the City shall grant the developer credit toward any required system development charge for the same. When the subsequent developer benefits from the upstream over-sizing they must reimburse the upstream developer proportionately, within ten years.
- D. Inadequate Facilities.** Development permits may be restricted by the City where a deficiency exists in the existing water or sewer system that cannot be rectified by the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of State or Federal standards pertaining to operation of domestic water and sewerage treatment systems.

Section 17.304.050 Storm Drainage Improvements

- A. General Provisions.** The City shall issue a development permit only where adequate provisions for storm water and flood water runoff have been made in conformance with the City's Public Facilities Plan and Storm Drainage Master Plan, Public Works Design Standards, and Surface Water Management.

- B. Accommodation of Upstream Drainage.** Culverts and other drainage facilities shall be large enough to accommodate existing and potential future runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the City Engineer and/or Public Works Director or appropriate utility service provider.
- C. Effect on Downstream Drainage.** Where it is anticipated by the City Engineer and/or Public Works Director that the additional runoff resulting from the development will overload an existing drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with City standards.
- D. Over-Sizing.** The City may require as a condition of development approval that sewer, water, and/or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable Water, Sewer, and/or Storm Drainage Master Plan, provided that the City may grant the developer credit toward any required system development charge for the same.

Section 17.304.060 Utilities

A. Underground Utilities.

1. **Generally.** All new utility lines including, but not limited to, those required for electric, communication, lighting, and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high capacity electric lines operating at fifty thousand volts or above.
2. **Subdivisions.** The following additional standards apply to all new subdivisions, in order to facilitate underground placement of utilities:
 - a. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic pursuant to Chapter 17.301.020(L);
 - b. The City reserves the right to approve the location of all surface-mounted facilities;

- B. Exception to Undergrounding Requirement.** The standard applies only to proposed subdivisions. An exception to the undergrounding requirement may

be granted due to physical constraints, such as steep topography, natural resources (Chapter 17.309), or existing development conditions.

Section 17.304.070 Easements

- A. Provision.** The developer or applicant shall make arrangements with the City, the applicable district, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The City's standard width for public main line utility easements shall be determined by the City Engineer and/or Public Works Director.
- B. Recordation.** As determined by the City Engineer and/or Public Works Director, all easements for sewers, storm drainage and water quality facilities, water mains, electric lines, or other public utilities shall be recorded in accordance with County standards and procedures.

Section 17.304.080 Construction Plan Approval and Assurances

- A. Plan Approval and Permit.** No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued. The permit fee is required to defray the cost and expenses incurred by the City for construction and other services in connection with the improvement. The permit fee shall be set by City Council.
- B. Performance Guarantee.** The City may require the developer or subdivider to provide bonding or other performance guarantees to ensure completion of required public improvements. See Site Design Review (Chapter 17.401), and Land Divisions (Chapter 17.403).

Section 17.304.090 Installation

- A. Conformance Required.** Improvements installed by the developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this Chapter, approved construction plans, and to improvement standards and specifications adopted by the City.
- B. Adopted Installation Standards.** See City of Damascus Design and Construction Standards, or appropriate standards from applicable road authorities or utility service providers, for installation standard(s).

Section 17.304.100 Transit Improvements

- A. Transit standards.** All new retail, office, multi-family and institutional buildings located at a major transit stop shall be required to provide the following transit improvements:
 - 1. Transit passenger landing pads accessible to disabled persons constructed to transit agency standards;

2. An easement or dedication for a passenger shelter and an underground utility connection to a major transit stop if requested by the public transit provider; and
3. Lighting installed to transit agency standards at the major transit stop.

Intersection and mid-block traffic management improvements may also be required as needed and practicable to enable marked crossings at major transit stops.

Chapter 17.305**SIGN STANDARDS****Sections:**

- Section 17.305.010 Purpose**
- Section 17.305.020 Permit Required**
- Section 17.305.030 Sign Permit Process**
- Section 17.305.040 Variances**
- Section 17.305.050 Prohibited Signs**
- Section 17.305.060 Signs Not Requiring a Permit**
- Section 17.305.070 General Provisions**
- Section 17.305.080 Measuring Signs and Buildings/Structure Elevation**
- Section 17.305.090 Signs in Residential Zones**
- Section 17.305.100 Signs in Mixed Use and Employment/Industrial Zones**
- Section 17.305.110 Temporary Signs**
- Section 17.305.120 A-Frame Signs**
- Section 17.305.130 Nonconforming Signs and Their Removal**
- Section 17.305.140 Violation—Penalty**

Section 17.305.010 Purpose

This Section regulates the erection, placement and maintenance of signs to protect and enhance public health, safety, welfare and property, more specifically to:

A. Purpose.

1. Allow those signs compatible with the character and uses allowed in the zones in which they are located;
2. Maintain the effectiveness of traffic signs;
3. Prohibit certain signs or portions thereof, which conflict with the safe movement of people and emergency services, constitute a public nuisance or hazard, are of unsafe construction, or which demand attention by their dominating size or appearance of motion;
4. Maintain and enhance the scenic and other aesthetic qualities of the City.

B. Scope. All signs, including sign structures and display areas or building walls with lettering on them shall be erected and maintained only as provided by this Section, except for the following: Signs inside a building, except for strobe lights, floating lights, or neon lights visible from a public right-of-way, private road or other private property.

Section 17.305.020 Permit Required

- A. Permit Required.** No sign shall be erected, constructed, maintained, modified, or relocated, except as provided by this Section. This permit requirement applies to all signs, except those specifically exempt by a provision of this Section and signs existing on [the date of adoption of this Zoning Ordinance], which shall be subject to Subsection D of this Section.
- B. Permit Application.** Application for a Sign Permit shall be made in writing upon forms furnished by the Planning Authority. The amount of the fee shall be proportionate to the value of the sign proposed and shall be calculated according to a permit fee schedule adopted by Resolution of the City Council.
- The application shall include all plans and information necessary to establish that the proposed sign complies with all applicable requirements of this Chapter and applicable Buildings, Structural and Life Safety Codes. The permit shall be valid if the sign is erected and maintained in compliance with the Damascus Municipal Code, and the applicant did not misrepresent or falsify any information supplied in the application.
- Any permit issued under this Chapter shall be void if no substantial physical action be taken, in accordance with any conditions of the permit and the applicable requirements of this Chapter, within one hundred eighty days following the date of its issuance. Any permit issued under this Chapter shall remain in effect as long as the sign is maintained in compliance with any permit conditions and all applicable provisions of this Chapter.
- C.** A separate Sign Permit application shall be submitted for each sign erected, constructed, modified, relocated, face changed or structurally altered and for sign repair that includes these activities. Sign maintenance requires no permit. All proposed work on a sign shall be shown in the Sign Permit application.
- D.** When required by the Oregon Structural Code or the Building Authority, a separate Building Permit shall be obtained from the City for the erection, construction, modification, relocation, change of sign face or alteration of a sign or sign structure.
- E.** When required by the State Electrical Code or the Building Authority, an Electrical Permit shall be obtained from the issuing authority before connecting an electrical sign to a source of electricity. The electrical components of signs shall meet the applicable electrical standards as shown by certification from those testing laboratories approved by the State of Oregon, meeting the testing standards for electrical safety as required by Oregon Revised Statutes Section 479.510 - 479.855, and Oregon

Administrative Rule Section 918-330-000, as constituted on [the effective date of the ordinance codified in this Code] or as may hereafter be amended.

- F.** Building and Electrical Permits shall be applied for in accordance with the procedures of the issuing agency, provided such permits are not issued until a Sign Permit has been issued.
- G.** The Planning Authority may require that a Sign Permit application be submitted for each sign on a property required to have a permit, if no permit for such sign has been previously issued.
- H. Appeals.** Any person aggrieved by a decision of the Planning Authority may appeal the decision to the Planning Commission. Any such appeal shall be in writing and be received by the City Recorder no later than ten days after the date the challenged decision is final.

Section 17.305.030 Sign Permit Process

- A.** A person may apply for a Sign Permit and any required Building Permit and/or Electrical Permit concurrently. A decision on the Sign Permit shall be issued first, followed by a decision on the related Building or Electrical Permits.
- B.** A Sign Permit application form, check sheet and instruction sheet shall be established by the Planning Authority. Sign Permit applications which do not provide the information required by this Code, the application form, check sheet and instruction sheet may be rejected by the Planning Authority. The Planning Authority shall determine if an application provides the required information.
- C.** A complete Sign Permit application shall be submitted to and reviewed by the Planning Authority. The application is not complete unless the application fee is submitted with the application. The application shall be approved, approved with conditions or denied by the Planning Authority or designee. An application for a sign that is erected prior to submitting the application and does not meet the requirements of this Chapter shall be denied.
- D.** Where a Sign Permit is required, property owner, lessor, lessee or a sign contractor registered with the State of Oregon Construction Contractors Board shall be the applicant. A person, other than the registered sign contractor, may deliver and submit the application to the Planning Authority. The application shall contain or include the following information:
 - 1. Completed sign application form;
 - 2. Payment of fee;
 - 3. Three site plans to scale. Site plans shall show the following information:

- a. Placement of sign on property,
 - b. Setbacks of sign from property line, and
 - c. Indicate any easements.
- 4. Three drawings of sign to scale. Drawings shall include:
 - a. Size of lettering,
 - b. Dimensions of sign (height and width), and
 - c. How the sign will be mounted or affixed.
- E. After a complete Sign Permit application has been submitted and accepted, the applicant may request in writing that the application be withdrawn. The Planning Authority or designee may return the application, and reimburse the application fee, less compensation for any work that has already been completed.
- F. If the work authorized by the Sign Permit is not completed within one hundred eighty days after the date of the Sign Permit issuance, the permit shall expire and be null and void. Upon written request of the applicant, submitted to the Planning Authority prior to the expiration date, one ninety day extension of the Sign Permit approval may be granted by the Planning Authority if there have been no amendments to the specific sign regulations that applied to the proposed sign at the time the Sign Permit was first approved. The Planning Authority decision shall be in writing and mailed to the applicant.
- G. The Planning Authority may revoke any Sign Permit where there has been a violation of the provisions of this Chapter or a misrepresentation of fact on the permit application, the materials submitted as a part of the application, or both.
- H. The Planning Authority may issue a Sign Permit, if a Sign Permit is required, to erect a temporary sign on a property with no building, provided the proposed temporary sign meets all applicable regulations.

Section 17.305.040 Variances

Variances to the standards of this Chapter shall be processed in accordance with Variance Permits (Chapter 17.405). Applications for Variances shall be submitted at the same time as an application for a Sign Permit, and the applications shall be reviewed concurrently.

Section 17.305.050 Prohibited Signs

It is unlawful for the following signs to be erected or to be maintained except as otherwise provided in this Section:

- A.** A sign that interferes in any way with a traffic control sign or device or prevents clear and unobstructed view of official traffic control signs or devices or approaching or merging traffic;
- B.** A sign that contains, includes or is illuminated by any flashing or revolving, rotating or moving light or moves or has any animated or moving parts. This Subsection does not apply to traffic control signs or devices and “readerboard” signs less than twenty-four square feet in size as authorized by this Chapter;
- C.** A sign with lighting which is not effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled right-of-way of a State highway, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of a motor vehicle or otherwise to interfere with the operations thereof;
- D.** A sign in excess of three square feet, located upon a tree, or painted or drawn upon a natural feature;
- E.** An abandoned sign;
- F.** Permanent inflatable signs (including “blimp” type signs typically extended from a building roof), permanent streamers, balloons, hulas, flags, banners, pennants, etc., or vehicle mounted signs, excepting traditional holiday decorations or temporary signs pursuant to the provisions of this Chapter;
- G.** A sign that obstructs free ingress to or egress from any door, window or fire escape, alley, drive or fire lane, or is attached to a fire escape;
- H.** A sign erected or maintained on public property or within the public right-of-way without permission of the public body having jurisdiction. This shall include signs placed on utility poles located within public right-of-way;
- I.** A sign not able to withstand a wind pressure of twenty pounds per square foot of exposed surface, or is insecurely erected, or is constructed so as to constitute a fire hazard;
- J.** A sign not maintained in a safe, neat, clean and attractive condition and in good repair;
- K.** Any sign larger than four square feet on an undeveloped lot or parcel of property other than temporary signs as provided by this Chapter;

- L.** A sign not otherwise in compliance with any provision of this Code, Oregon law or the terms and conditions of any valid Sign Permit issued under this Chapter;
- M.** Signs with rotating or moving parts or any portion thereof designed to move unless specifically allowed by the provisions of this Chapter;
- N.** Electronic display signs or readerboards, including any video display board of television quality in which the rate of change is electronically programmed that exceed twenty-four square feet in size. Electronic readerboards of any size are prohibited in residential zones unless authorized by a Conditional Use Permit;
- O.** Signs with exposed lighting or neon tubes on the sign face in residential zones;
- P.** Roof signs;
- Q.** Signs with light intensity in excess of the standards of the sign industry, as provided by the Oregon Electric Sign Association;
- R. Hazards.** No sign, light, electrical cord, streamer, flag, or other apparatus shall be situated or used in a manner which creates a hazard.

Section 17.305.060 Signs Not Requiring a Permit

- A.** In any Mixed Use or Employment/Industrial zone, the following signs may be placed and maintained without a permit, so long as they comply with all applicable provisions of this Section:
 - 1. A single, temporary or permanent sign per street frontage where the display surface area does not exceed six square feet per sign face;
 - 2. Window signs, up to nine square feet, situated on the indoor side of a window or door;
 - 3. Signs attached to, or carried by, a person;
 - 4. Signs required by law or legal action, including, but not limited to, signs warning of hazardous or dangerous conditions on a premises and land use application and hearing notice signs.
- B.** In any Residential zone, the following signs may be placed and maintained without a permit, so long as they comply with all applicable provisions of this Section and are not illuminated:

1. Signs required by law or legal action including, but not limited to, signs warning of hazardous or dangerous conditions on a premises and land use application and hearing notice signs; and
2. Four temporary signs where the display surface area does not exceed six square feet per sign face and sign height does not exceed six feet. A person or entity selling a property or advertising a public election shall remove temporary signs twelve days within the closing of the sale or the public election, all other temporary signs shall be removed twelve days after placement.

Section 17.305.070 General Provisions

- A. Location.** Except for traffic control devices, public signs and special event banner signs, signs shall be located on private property outside of the public right-of-way and shall not extend over or into the public right-of-way. Signs shall not be constructed in or extend over or into easements for public sewer, water or storm drain lines or within five feet of such lines, or within the dripline of existing trees.
- B. Vision Clearance Area.** Signs may be located in the vision clearance areas provided they do not extend into the space between thirty inches and ten feet in height measured from the top of the curb. When no curb is present, measurements shall be taken from the established centerline grade. The following shall be exempt from the clear vision areas:
1. Light and utility poles with a diameter less than two inches;
 2. An existing tree, trimmed to the trunk, twelve feet above the curb;
 3. Official warning or street sign.
- C. Pedestrian Clearance Area.** Signs erected over or extending over private or public pedestrian walkways or paths shall provide a vertical clearance of at least ten feet from the surface of the walkway or path to the lowest portion of the sign.
- D. Signs Incorporated into Fences.** Except for signs at subdivision entrances located in a private tract median island within a public right-of-way, monument signs may be affixed to and be part of a masonry fence. Pole signs shall be affixed only to the ground.
- E. Copy.** Copy shall be placed only on the sign face.
- F. Dedication of Right-of-Way.** Signs and their structures and foundations shall be removed from property subject to dedication to the public before such dedication shall be accepted by the City.

G. Illumination.

1. Lights providing indirect illumination onto signs shall be directed so the source of light is not visible from public right-of-way or from properties in residential zones.
2. Neon lighting is the only permitted lighting for direct illumination. Neon, incandescent and fluorescent lighting are permitted for indirect or internal illumination.
3. The surface brightness of any sign shall not exceed that produced by the diffused output obtained from eight hundred milliampere fluorescent light sources spaced not closer than eight inches on center.

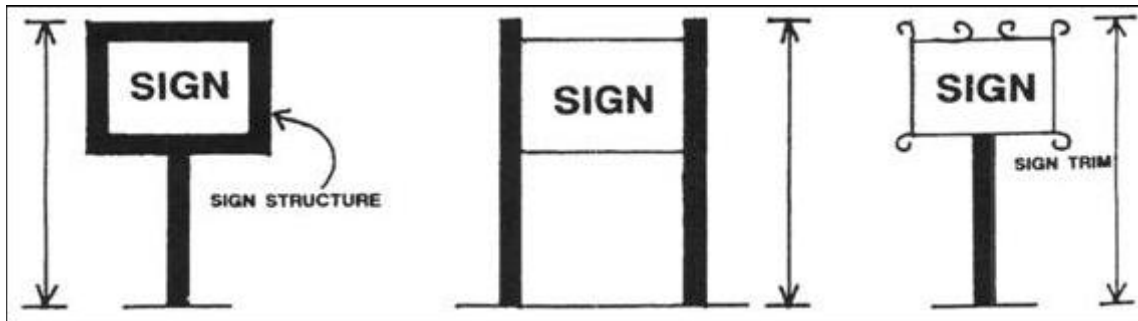
H. Sign Maintenance and Repair. All signs shall be maintained in good order and repair at all times. Signs which have become faded, worn, damaged or are unsafe or pose a danger to the public shall be maintained, repaired, or removed.

Section 17.305.080 Measuring Signs and Building/Structure Elevation.

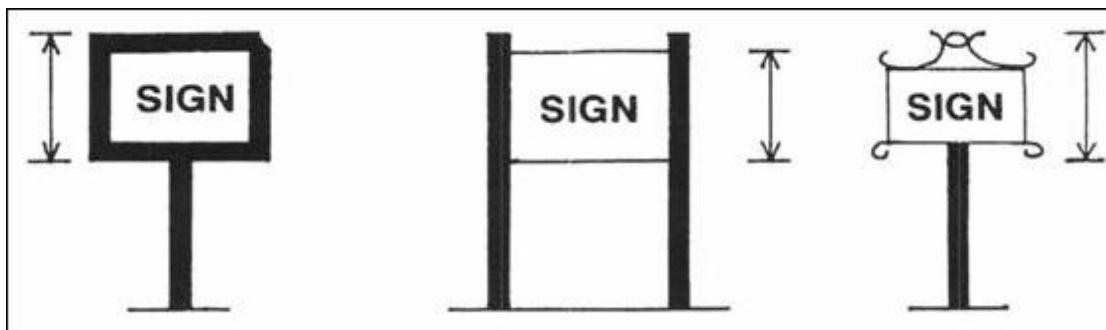
The diagrams provided in this Section are intended for illustration only. For purposes of this Section, signs and building or structure elevations shall be measured as follows:

A. Freestanding Pole Signs.

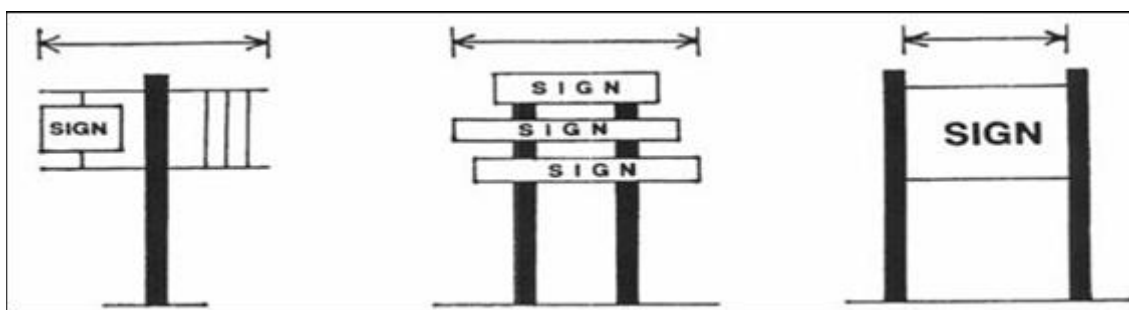
1. **Height of Sign.** The measurement shall be from the grade to the highest point of the sign, including the sign face structure, pole and any projections, decoration or trim of the sign face structure or pole.



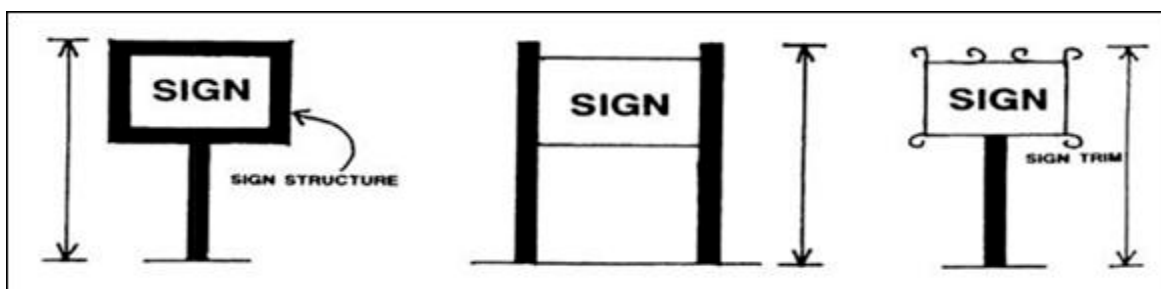
2. **Height of Sign Face.** The measurement shall be from the lowest point to the highest point of the sign face, including the sign face structure and any projection, decoration or trim of the sign face or structure.



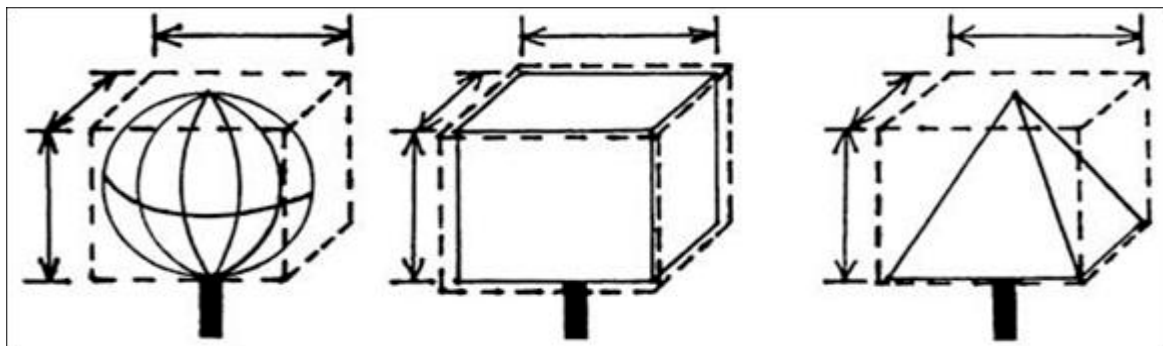
3. **Width of Sign Face.** The measurement shall extend from the outer edges side to side and include the structure projection, decoration or trim of the sign face or structure, but not the supporting pole.



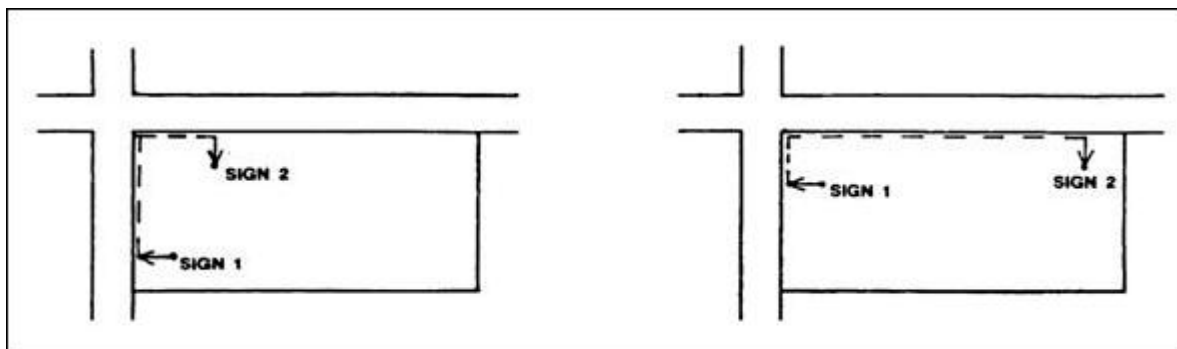
4. **Sign Face Area, Single and Double-Sided Signs.** Only one side of a sign shall be measured. When the sides of a double sided sign are not equal, the larger side shall be measured. The measurement shall enclose the sign face, including any projections, decoration or trim of the sign face and any direct illumination on the sign pole, within not more than three squares or rectangles or both which touch and sum the areas. The squares or rectangles may be rotated. The minimum dimension of a square or rectangle connecting two sign faces is one foot.



5. **Sign Face Area for Signs With More Than Two Sides (Multifaceted Signs).** The measurement shall enclose the sign faces and structures, including any projection, decoration or trim of the sign faces and structures and any direct illumination of the sign pole, within a square or rectangle and summing the area of the six sides.

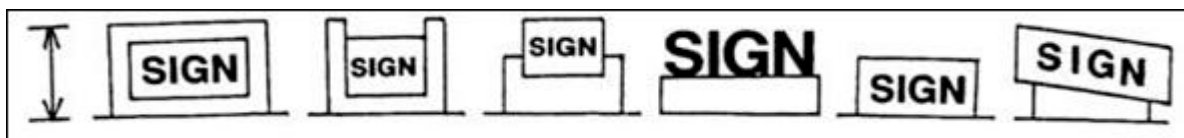


6. **On-site Separation Between Signs.** When freestanding signs are required to be separated by a specific distance from each other, the distance shall be measured beginning at the center of the footprint of one sign, then measuring by the shortest route to the nearest property line, then along the property line to the point on the property line nearest to the second sign and then by the shortest route to the center of the footprint of the second sign. If the above directions result in two or more different measurements, the shortest shall be used.

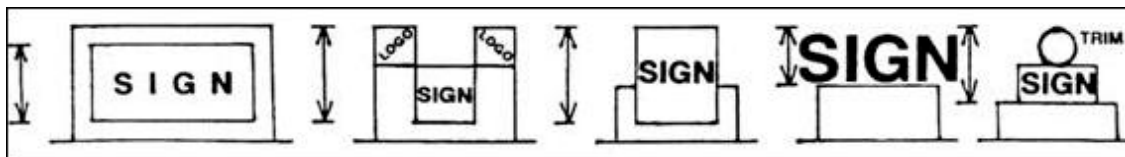


B. Freestanding Monument Signs.

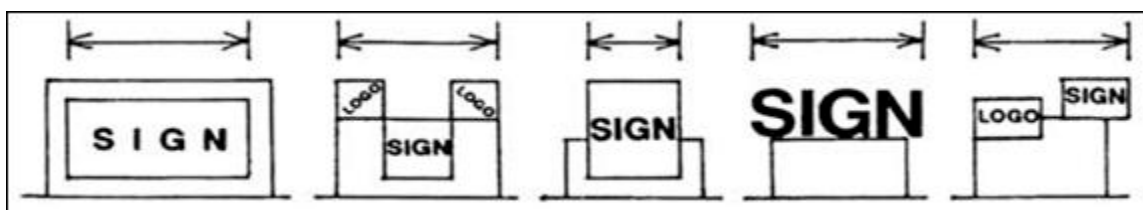
1. **Height of Sign.** The measurement shall be from the grade to the highest point of the sign, including the sign face, structure and any projection, decoration or trim of the structure.



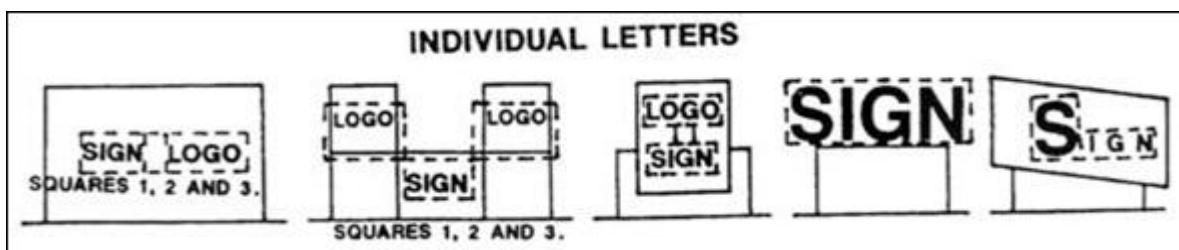
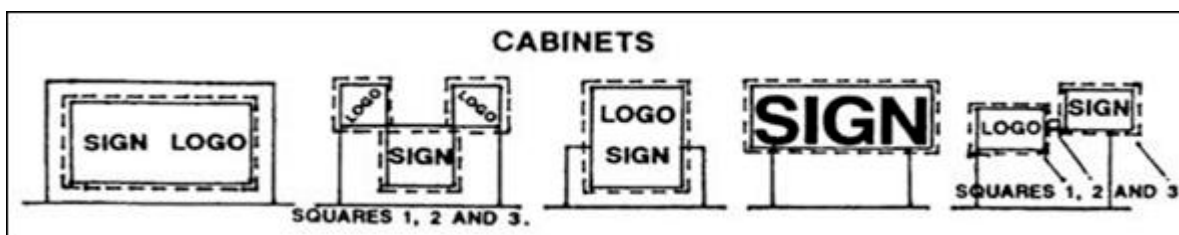
2. **Height of Sign Face.** The measurement shall be from the lowest point to the highest point of the sign face, including any projection, decoration or trim of the sign face.



3. **Width of Sign Face.** The measurement shall be from the outer edges side to side and include any projection, decoration, or trim of the structure.



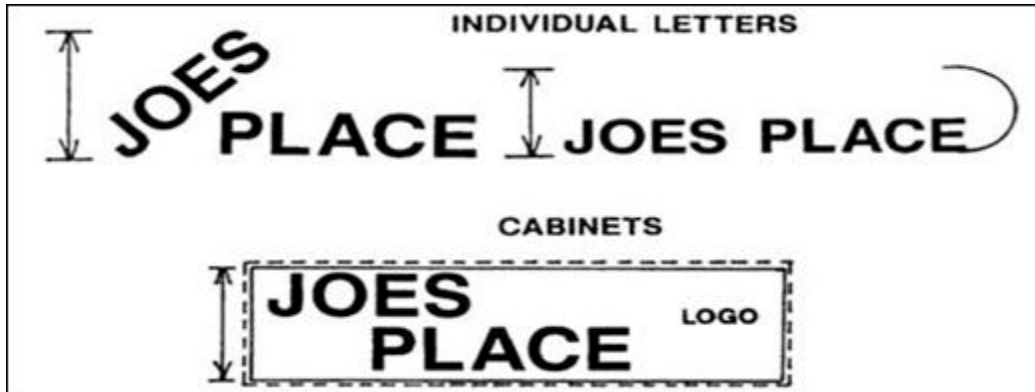
4. **Sign Face Area.** Only one side of the sign shall be measured. When the sides of a double-sided sign are not equal, the larger side shall be measured. The measurement shall enclose the sign face, including any projection, decoration or trim of the sign face, within not more than three squares or rectangles may be rotated. The minimum dimensions of a square or rectangle connecting two sign faces is one foot.



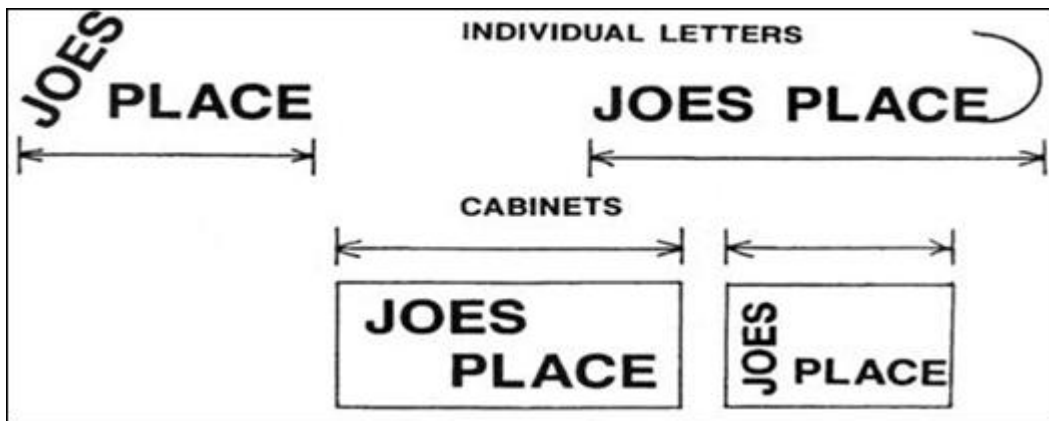
5. **On-site Separation Between Signs.** See Subsection (A)(6) above.

C. Wall Signs.

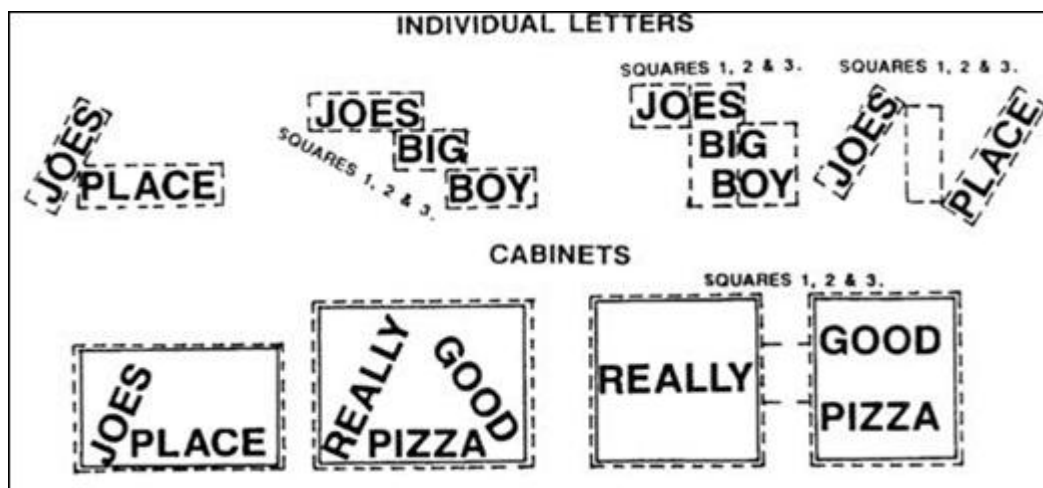
1. **Height of Sign Face.** The measurement shall be from the lowest point to the highest point of the sign face, including any projection, decoration, individual letters, cabinet or trim of the sign face.



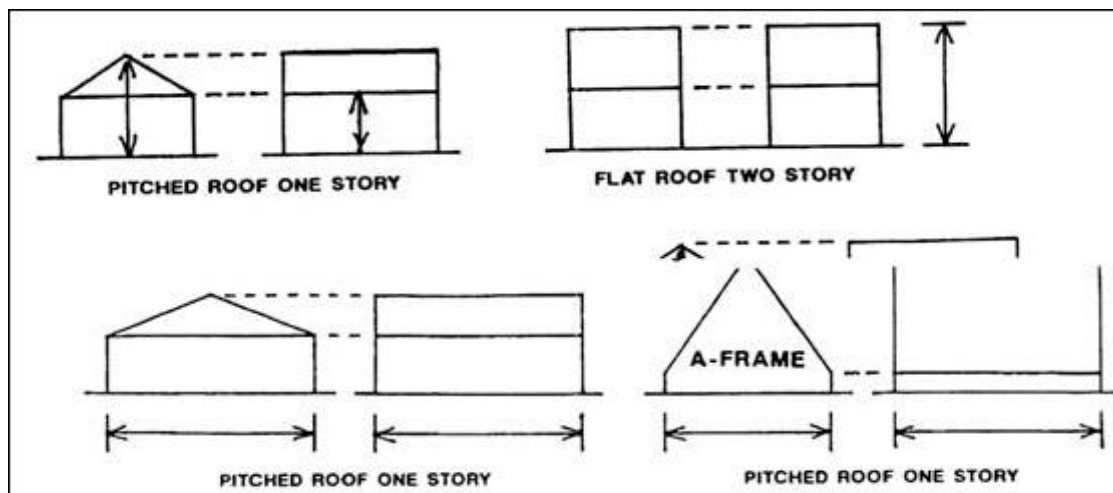
2. **Width of Sign Face.** The measurement shall extend from the outer edges side to side and shall include any projection, decoration or trim of the sign face.



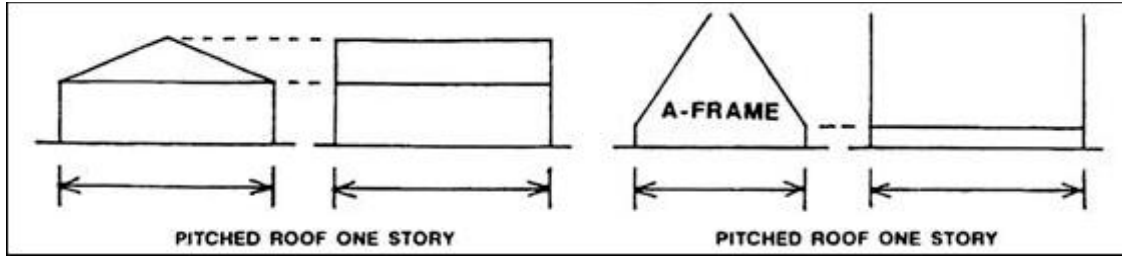
3. **Sign Face Area.** The measurement shall enclose the sign face, including any projections, decoration or trim of the sign face, within not more than three squares or rectangles or both which touch and sum of the areas. The squares or rectangles may be rotated. The minimum dimension of a square or rectangle connecting two sign faces is one foot.



4. **Building and Structure Elevations.** The measurement shall be of the tenant's owned or leased wall and from the perspective of an architectural elevation.
5. **Height of Elevation.** The measurement shall be from the grade to the highest point, except flagpoles and similar spires, of the building or structure wall, including all vertical surfaces and non-vertical surfaces which have a vertical surface above them as shown below.



6. **Width of Elevation.** The measurement shall be from the outer edges side to side, including all vertical surfaces and non-vertical surfaces which have a vertical surface above them. The following Figures illustrate the methods.



Section 17.305.090 Signs in Residential Zones

A. Signs Allowed. In the NL, NM and LN zones, the following signs are allowed:

1. Monument Signs.

- a. The sign shall be a permanent monument sign.
- b. Signs are only allowed in a recorded subdivision that has been given approval through the planning process of the City of Damascus or Clackamas County.
- c. Signs shall be located on private property, at a subdivision entrance or on a private tract median island within the public right-of-way.
- d. Only one sign per public street entrance is allowed.
- e. No more than two sides are allowed.
- f. Signs shall not extend any higher than six feet above grade, unless located in a private median tract, in which case the height shall not exceed two and one-half feet. In all cases, signs shall comply with the clear vision requirements.
- g. When a sign is located in a private median tract, the width of the sign shall not exceed fifty percent of the width of the median measured from curb to curb or, where there is no curb from edge of pavement to edge of pavement, provided the area limitation below is met, and it shall be centered in the median.
- h. Sign face area shall not exceed sixty square feet. Sign area shall not exceed twenty feet in length and six feet in height.
- i. Indirect illumination is allowed, unless the sign is located in a median, in which case no illumination is allowed.
- j. There shall be a minimum of one hundred feet separation from other subdivision signs and all other permanent signs, with the exception of directional signs.

- k. All required permits shall be obtained prior to placement of sign.

2. Temporary Signs.

- a. Temporary signs shall not be internally or externally illuminated.
- b. Temporary signs shall not be located or extend into or over public right-of-way or into the clear vision area with the exception of special event banner signs (please see Definitions Section for description).
- c. Temporary signs shall be maintained and kept neat and clean. Materials shall not be allowed to fade, tear, rip or otherwise become unsightly during the period of installation.
- d. Temporary signs shall not be attached to fences, trees, shrubbery, utility poles, or like items. They shall not obstruct or obscure primary signs on adjacent premises. They shall not create a traffic hazard because of distractive character to motorists of any such device or the cumulative effect of all such devices.
- e. Temporary signs shall not exceed thirty-two square feet.
- f. Only one temporary sign advertising a residential development shall be allowed.
- g. The Planning Authority shall establish a timeframe for placement for each temporary sign approved at the time of permit issuance.
- h. All required permits shall be obtained prior to placement of signs.

Section 17.305.100 Signs in Mixed Use and Employment/Industrial Zones

- A. Signs Allowed.** In the NC, V, C, E and I zones, the following signs are allowed:

1. Wall Signs.

- a. *Single-Story Structures.*
 - i. Display surface area shall not exceed ten percent wall coverage. There is no limit on the number of signs allowed if within the total permitted wall coverage limit.
- b. *Single-Story Structures with Multiple Tenants or Businesses.*
 - i. Display surface area shall not exceed two square feet for each lineal foot of the wall on which the sign is erected;
 - ii. One sign per each owned or leased wall is permitted. This shall not exceed four walls of a building;

- iii. Indirect or internal illumination is permitted;
 - iv. All required permits shall be obtained prior to placement of sign.
 - c. Total signage for multi-story structures containing multiple businesses shall be limited to ten percent wall coverage. There is no limit on the number of signs allowed if within the total permitted wall coverage limit.
2. Freestanding and monument signs, so long as a permit is first obtained as required by this Chapter and the following standards are met:
- a. *Number.* One sign shall be permitted for each street frontage of premises, provided minimum lot frontage of thirty feet is met. No sign shall be permitted on the same frontage where there is a projecting or roof sign. Signs on the same premises but on different frontages shall be separated by a minimum of fifty feet distance.
 - b. *Area.*
 - i. Where the street frontage is less than fifty feet, the maximum display surface area shall not exceed fifty square feet, with twenty-five square feet maximum area per sign face;
 - ii. Where the street frontage is greater than fifty feet but less than two hundred feet, surface display area shall not exceed one hundred square feet, with fifty square feet maximum area per sign face;
 - iii. Where the street frontage is two hundred feet or greater, the surface display area shall not exceed two hundred square feet, with a maximum area of one hundred square feet per sign face;
 - iv. In no case shall any sign have a surface display area in excess of two hundred square feet.
 - c. *Projection.* Freestanding signs shall not project over a public right-of-way.
 - d. *Clearance.* A minimum clearance of ten feet from grade shall be maintained over pedestrian or vehicular areas, fourteen feet over areas of truck access.
 - e. *Horizontal Dimension.* The greatest horizontal dimension shall not exceed twenty feet for any freestanding sign.
 - f. *Height.* The height of any freestanding or monument sign shall not exceed ten feet above grade, plus five feet for each two hundred feet,

or portion thereof, of street frontage. In no event shall any sign exceed fifteen feet in height.

g. *Illumination.* Indirect or internal illumination is permitted.

3. **Projecting Signs.** Projecting signs are allowed so long as a permit is first obtained as required by this Chapter and the following standards are met:

- a. *Number.* One projecting sign may be permitted for each business frontage. No projecting sign shall be permitted for the same business frontage where there is a freestanding sign.
- b. *Area.* Sign area shall not exceed sixteen square feet per sign face, with total area of all faces not to exceed thirty-two square feet.
- c. *Projection.* Maximum projection from a building wall shall be four feet. No sign shall project within two feet of the curb line.
- d. *Vertical Dimension.* The greatest vertical dimension of a projecting sign shall not exceed four feet; provided, however, for any reduction in projection, the sign may be increased in height a like distance. The maximum projection above the wall on which the sign is erected shall be one foot, and the visible supporting structure shall be minimized to the greatest extent possible consistent with safe structural support.
- e. *Clearance.* A minimum clearance of eight feet from grade shall be maintained over pedestrian areas, ten feet from grade over vehicular areas and fourteen feet over areas of truck access.
- f. *Separation.* The minimum distance from another projecting sign shall be twenty feet in the same horizontal plane.
- g. *Projecting Signs on Other Project Structures.* Awnings, marquees, canopies, false fronts and wall extensions, safely constructed and approved by the Building Code Authority, may extend beyond the limits for projecting signs. Projecting signs on such structure shall not exceed the limits as to number, area, projection, vertical dimension, clearance and separation as provided for any projecting sign.

The only exception shall be for those instances in which a projecting structure would prohibit a projecting sign within sight of pedestrians; in these instances, the clearance under the marquee or other permanent structure may be reduced to eight feet.

4. Readerboard Signs.

- a. Readerboard signs are allowed in Mixed Use zones as a part of another sign or as a stand-alone window sign. The Planning Authority may impose conditions of approval regarding the frequency of copy change, the hours of operation, and the method by which the message is changed in order to assure compliance with the standards of this Section and this Chapter.
- b. Readerboard signs that are part of an accompanying sign shall not exceed twenty-four square feet in size. Readerboard signs located within window areas shall not exceed ten square feet in size. The readerboard and associated sign shall not exceed the total allowable sign area for the underlying Mixed Use zone, a window readerboard sign combined with any other signage shall not exceed the building face signage square-footage allowed by this Chapter.
- c. The design and placement of the readerboard and any associated sign shall not adversely affect vehicular or pedestrian safety.
- d. The readerboard and any associated sign shall comply with all other requirements of this Chapter.

Section 17.305.110 Temporary Signs

A. Temporary signs may include board signs, canvas signs, plastic signs, inflatable signs, banners, flags, balloons, pennants, streamers, etc., subject to the following:

1. Temporary signs shall not be internally or externally illuminated.
2. Temporary signs shall not be located or extend into or over public right-of-way or into the clear vision area with the exception of special event banner signs as defined in this title subject to City, County or ODOT permitting.
3. Temporary signs shall be maintained and kept neat and clean. Materials shall not be allowed to fade, tear, rip or otherwise become unsightly during the period of installation.
4. Temporary signs shall not be attached to trees, shrubbery, utility poles or like items. They shall not obstruct or obscure primary signs or adjacent premises. They shall not create a traffic hazard because of distractive character to motorists.
5. Temporary signs shall range in size from greater than six square feet to a size not to exceed thirty-two square feet in size.

6. The Planning Authority shall establish a timeframe for placement of each temporary sign approved. Approval periods shall not exceed sixty days in one calendar year. The sign shall be removed at the end of the approval period.
7. All required permits shall be obtained prior to placement of temporary signs, unless exempted by this title.

Section 17.305.120 A-Frame Signs

- A. Within all Mixed Use and Employment/Industrial zones, A-board signs shall be permitted subject to the following criteria:
 1. May be displayed outdoors during business hours only and shall be removed at the end of the business day.
 2. The sign is placed within four feet of the main entrance to the building or individual business entry.
 3. Sign placement shall not interfere with pedestrian or vehicular traffic nor with on-street parking and shall have a minimum of five feet of unimpeded pedestrian sidewalk maneuvering space for accessibility. It shall not extend into clear vision areas or vehicular circulation areas. The sign shall not be attached to fences, trees, shrubbery, utility poles or like items and shall not obstruct or obscure primary signs on adjacent premises.
 4. Sign area is limited to twelve square feet per face.
 5. The applicant provides a notarized statement acceptable to the City assuming liability for a sign on a public sidewalk.
 6. No more than one sign per street level business is permitted.
 7. Shall be constructed of wood, chalkboard and/or finished metal. Lettering may be painted or handwritten. Readerboards are not permitted.
 8. Shall be non-illuminated.

Section 17.305.130 Nonconforming Signs and Their Removal

- A. Signs lawfully erected and maintained as of [the date of the adoption of this Zoning Ordinance], but which do not meet the requirements of this Chapter, shall be regarded as nonconforming signs which shall be lawful.
- B. Signs located on premises annexed into the City after [the effective date of this Zoning Ordinance] and which signs do not comply with the provisions of this Code Any sign which is structurally altered, relocated or replaced shall

immediately be brought into compliance with all applicable provisions of this Chapter.

- C.** Any sign regulated under this Chapter found to be in violation of this Chapter shall be deemed a nuisance. Violation of the provisions of this Chapter shall constitute a civil infraction, subject to code enforcement procedures of the City.

Section 17.305.140 Violation—Penalty

- A.** In addition to any other provisions hereof, it is unlawful and a public nuisance for any person to maintain a sign or advertising structure in violation of the provisions of this Chapter. Violation of any provision of this Chapter is subject to the code enforcement procedures of the City.
- B.** Signs in violations of this Chapter which create a safety or traffic hazard, are located within the public right-of-way, or are located on a utility pole within the public right-of-way may be removed by the City without prior notice and are subject to the code enforcement procedures of the City.

Chapter 17.306**WIRELESS COMMUNICATIONS FACILITIES****Sections:****Section 17.306.010 Purpose****Section 17.306.020 Applicability****Section 17.306.030 Permitted and Conditional Use Locations****Section 17.306.040 Design Standards****Section 17.306.050 Co-location of Facilities****Section 17.306.060 Interference with Reception****Section 17.306.070 Antenna Support Structures Removal****Section 17.306.080 Applications Procedures****Section 17.306.010 Purpose**

The purpose of this Chapter is to:

- A.** Establish appropriate locations, site development standards and permit requirements to allow for the provision of telecommunication services to the residents of the City.
- B.** Ensure that telecommunication siting will occur in a manner that will facilitate the location of various types of wireless communication facilities in permitted locations consistent with the residential character of the city and with land uses in employment areas.
- C.** Prevent the undue proliferation and adverse visual impacts of Wireless Communications facilities within the City.
- D.** Protect the health, safety, and welfare of the citizens of Damascus.

Section 17.306.020 Applicability

- A.** This Chapter applies to all wireless communication facilities. It does not apply to any of the following antennas:
 - 1. Radio or television reception antennas;
 - 2. Satellite or microwave parabolic antennas not used by wireless communications service providers;
 - 3. Antennas under seventy feet in height and owned and operated by a Federally-licensed amateur radio station operators;

4. Any antenna support structures or antennas lawfully in existence within the City on [the effective date of the Development Code]; or
5. Facilities of any cable television company holding a valid and current franchise, or commercial radio or television broadcasting facilities. Note: Franchise fees are not currently applicable to Damascus.

Section 17.306.030 Permitted and Conditional Use Locations

A. Wireless Communications antenna, antenna arrays and antenna support structures are permitted, conditionally permitted, or prohibited to be located in the zones as provided in this Section and as listed below:

1. Antenna support structures are permitted with Planning Commission approval of a Conditional Use Permit, subject to the requirements of Conditional Use Permits (Chapter 17.404) in all Employment/Industrial zones.
2. In all Residential zones antennas and antenna arrays may be mounted to existing alternative antenna support structures with Planning Commission approval of a Conditional Use Permit, subject to the requirements of Conditional Use Permits (Chapter 17.404). However, such antennas and antenna arrays shall not add more than twenty feet to the total height or elevation of such structure from the street grade. Facilities associated with antennas or antenna arrays so mounted shall be obscured from view from all streets and immediately adjacent properties by the use of screening materials designed, colored and maintained in a manner that will blend with the appearance of the building or by the incorporation of “stealth” technology.
3. In all Mixed Use and Employment/Industrial zones, antennas and antenna arrays may be mounted to existing approved antenna support structures upon review and approval by the Building Official. The placement of additional equipment enclosures and facilities is also permitted, subject to the requirements of this Code.
4. In the Center, Employment and Industrial zones antennas and antenna arrays may be mounted to existing alternative antenna support structures. However, such antennas and antenna arrays shall add not more than twenty feet to the total height or elevation of such structure from the street grade, or shall require Planning Commission approval of a Conditional Use Permit, subject to the requirements of Conditional Use Permits (Chapter 17.404). Facilities associated with antennas or antenna arrays so mounted shall be obscured from view from all streets and immediately adjacent properties by the use of screening materials designed, painted and maintained in a manner that will blend with the appearance of the building or by the incorporation of “stealth” technology.

Table 17.306.060A Wireless Communications Facility Locations and Requirements

Zone	Wireless Communications Facilities		
	Antenna Support Structures	Antenna Array Mounts to Approved Antenna Support Structures*	Antenna Array Mounts to Existing Alternative Antenna Support Structures*
Neighborhood Zones	Prohibited	N/A	Less than or equal to twenty feet height added (conditional use)
			Greater than twenty feet height added (prohibited)
Center/Village	Conditional Use	Permitted	Less than or equal to twenty feet height added (permitted)
			Greater than twenty feet height added (conditional use)
Employment/Industrial	Conditional Use	Permitted	Less than or equal to twenty feet height added (permitted)
			Greater than twenty feet height added (conditional use)

Section 17.306.050 Design Standards

- A.** Where permitted, antenna support structures shall be constructed and installed as far away from existing buildings on adjoining land as is reasonably possible, and in no event within any required yard or setback area or nearer than twenty-five feet to any publicly held land, residential structure or accessory building on adjoining land or railroad right-of-way.
- B.** The area around the base of antenna support structures (including any equipment enclosure) is to be fenced, with a sight-obscuring fence a minimum of six feet in height. The fenced area is to be surrounded by evergreen shrubs (or a similar type of evergreen landscaping), placed within a landscaped strip a minimum of ten feet in width. In the event that placement of a proposed antenna support structure and/or equipment enclosure is located in a unique area within a subject site that would not benefit from the addition of landscaped screening, the Planning Authority may require that the applicant submit a Landscape Plan illustrating the addition of a proportional

landscape area that will enhance the subject site either at a building perimeter, parking lot, or street frontage, adjacent to or within the subject site.

Typically, three-strand barbed wire is proposed above any sight-obscuring fence or barrier. Although barbed wire is permitted, no concertino (razor) wire shall be installed atop any fence or barrier.

- C.** The area around the base of antenna support structures (including any equipment enclosure) is to be fenced, with a sight-obscuring fence a minimum of six feet in height. The fenced area is to be surrounded by evergreen shrubs (or a similar type of evergreen landscaping), placed within a landscaped strip a minimum of ten feet in width. In the event that placement of a proposed antenna support structure and/or equipment enclosure is located in a unique area within a subject site that would not benefit from the addition of landscaped screening, the Planning Authority may require that the applicant submit a Landscape Plan illustrating the addition of a proportional landscape area that will enhance the subject site either at a building perimeter, parking lot, or street frontage, adjacent to or within the subject site.

Typically, three-strand barbed wire is proposed above any sight-obscuring fence or barrier. Although barbed wire is permitted, no concertino (razor) wire shall be installed atop any fence or barrier.

- D.** All antenna support structures, antennas, and antenna arrays and associated facilities shall be finished in a non-reflective neutral color. Depending upon the urban or natural setting surrounding a proposed antenna support structure, the Planning Commission may require the incorporation of camouflaging or “stealth” technology options in the Conditional Use Permit process. This requirement may lead to the installation of antenna support structures disguised as trees, clock towers, water towers, bell towers, flagpoles, spires, crosses and similar structures.
- E.** No antenna support structure shall be permitted to be constructed, installed or erected within one thousand feet of any other antenna support structure that is owned, operated or occupied by the same Wireless Communications service.

Exceptions to this standard may be permitted by the Planning Authority if, after reviewing evidence submitted by the service provider, he or she finds:

1. That a closer spacing is required in order to provide adequate Wireless Communications service to the subject area; and
2. The service provider has exhausted all reasonable means of co-locating on other antenna support structures that may be located within the proposed service area.

- The construction and installation of antenna support structures, antennas, antenna arrays and the placement of antennas or antenna arrays on alternative antenna support structures, shall be subject to the requirements of the Uniform Building Code (UBC) and National Electrical Code (NEC).
- F.** Antennas or antenna arrays, or antenna support structures shall not be artificially lighted except as required by the Federal Aviation Administration or other governmental agency.
 - G.** Signs, symbols, flags, banners or other such devices or things shall not be attached to or painted or inscribed upon any antennas, antenna arrays or antenna support structures. Excepting the United States or State of Oregon flag, provided display is consistent with 36-USC-171.
 - H.** Permits to construct, install or erect antenna support structures or equipment enclosures, or to install, mount or erect antennas or antenna arrays on buildings or properties listed on the Damascus Register of Historic Structures shall not be issued without the approval of the Planning Commission.

Section 17.306.060 Co-Location of Facilities

- A.** Co-location shall be required unless demonstrated to be infeasible to the satisfaction of the decision making authority. Evidence submitted to demonstrate such shall consist of the following:
 - 1. That no existing antenna support structures or alternative antenna support structures are located within the geographic area which meet the applicant's engineering requirements;
 - 2. That existing antenna support structures and alternative antenna support structures are not of sufficient height to meet applicant's engineering requirements;
 - 3. That existing antenna support structures and alternative antenna support structures do not have sufficient structural strength to support applicant's proposed antennas or antenna arrays and related equipment;
 - 4. That an applicant's proposed antennas or antenna arrays would cause detrimental electromagnetic interference with nearby antennas or antenna arrays, or vice-versa; or
 - 5. That there are other limiting factors, such as inadequate space for a second equipment shelter, that render existing antenna support structures or alternative antenna support structures unsuitable.

B. All Wireless Communications service providers shall cooperate with other Wireless Communications service providers in co-locating additional antennas or antenna arrays on antenna support structures and/or alternative antenna support structures. The following co-location requirements shall apply:

1. All antenna support structures shall be designed so as to not preclude co-location.
2. In the event co-location is represented to be infeasible, the City may retain a technical expert in the field of Wireless Communications engineering to verify if co-location at the site is not feasible, or is feasible given the design configuration most accommodating to co-location. The cost for such a technical expert will be at the expense of the applicant.

Section 17.306.070 Interference with Reception

No antenna or antenna array shall be permitted to be placed in a location where it will interfere with existing transmittal or reception of radio, television, audio, video, electronic, microwave or other signals, especially as regard police and emergency services operating frequencies. If, after installation of Wireless Communications facilities, signal interference with existing signals occurs, the applicant shall be responsible for resolving the interference, including the relocation or removal of Wireless Communications facilities as necessary.

Section 17.306.080 Antenna Support Structures Removal

Any antenna support structure that has had no antenna or antenna array mounted upon it for a period of one hundred eighty successive days, or if the antenna or antenna array mounted thereon are not operated for a period of one hundred eighty successive days, the antenna support structure shall be considered abandoned, and the owner thereof shall remove the structure and any accompanying equipment enclosure within 90 days from the date of written notice from the City. During such ninety days, the owner may apply, and, for good reason, be granted an extension of time on such terms as the Planning Authority or Building Official shall determine. If such structure and equipment enclosure are not so removed, the City may seek and obtain a court order directing the removal and imposing a lien upon the real property upon which the structure(s) are situated in an amount equal to the cost of removal.

Section 17.306.090 Applications Procedures

A. Application for Permit. All applications for permits for the placement and construction of wireless facilities including antennas, antenna arrays, antenna support structures and equipment enclosures shall be accompanied by the following:

1. Payment of all permit fees, plans check fees and inspection fees;

2. Proof of ownership of the land and/or alternative antenna support structure upon which the requested antenna, antenna array, enclosure and/or structure is proposed, or copy of an appropriate easement, lease or rental agreement;
3. A map, drawing or aerial photo showing all existing and proposed antenna support structures within one mile of the City limits. Information provided shall include the number of existing antenna and antenna arrays per antenna support structure, as well as the number of arrays planned for use upon a proposed new antenna support structure. Any Wireless Communications service provider may utilize existing mapping information possessed by the City in order to create an updated map.
4. A scaled plan and a scaled elevation view and other supporting drawings, illustrating the location and dimensions of the relevant antenna support structure, alternative antenna support structure, antenna array, antennas, equipment enclosures and any and all other major devices and attachments.

Chapter 17.307**OUTDOOR LIGHTING STANDARDS****Sections:****Section 17.307.010 Purpose****Section 17.307.020 Applicability****Section 17.307.030 Procedures****Section 17.307.040 Exemptions****Section 17.307.050 Materials and Methods of Installation****Section 17.307.060 Submittals****Section 17.307.070 General Standards****Section 17.307.080 Prohibited Lighting****Section 17.307.090 Definitions****Section 17.307.100 Lighting Comparisons****Section 17.307.010 Purpose**

The purpose of this Chapter is to:

- A.** Define practical and effective measures by which the obtrusive aspects of excessive outdoor light usage can be minimized, while preserving safety, security, and the nighttime use and enjoyment of property.
- B.** Encourage lighting practices that direct appropriate amounts of light where and when it is needed.
- C.** Increase the use of energy-efficient sources by decreasing the wastage of light and glare resulting from over lighting and poorly shielded or inappropriately directed lighting fixtures.
- D.** Maintain the rural character of Damascus by curtailing the degradation of the nighttime visual environment.
- E.** Provide for environmental quality and the protection of special places in Damascus.

Section 17.307.020 Applicability

The standards in this Chapter shall apply to the developments listed below. Where other Sections of this Code conflict with this Chapter, the more restrictive shall apply.

- A. New Lighting.** All exterior outdoor lighting installed after the effective date of this Code in all land use zones in the City shall be in conformance with the

requirements established by this Chapter and other applicable Chapters unless otherwise exempted. This Chapter does not apply to indoor lighting.

- B. Preferred Lighting Source.** The use of low-pressure sodium (LPS) or light-emitting diode (LED) or most current lighting technology lamps is encouraged as the preferred illumination source throughout the City. The replacement of existing fixtures shall meet the requirements of this Chapter.
- C. Replacement Fixtures.** When an existing fixture is replaced, the replacement fixture shall meet the requirements of this Chapter.
- D. Consistence with Municipal Code.** Architectural design, site planning, landscaping and lighting may be further restricted elsewhere in the Damascus Development Code.

Section 17.307.030 Procedures

An application for an Outdoor Lighting Permit shall be processed through a Type I Ministerial Procedure pursuant to Section 17.400.020, or a Building Permit or Electrical Permit that proposes installing new outdoor lighting not specifically listed as exempt in Section 17.307.040, Exemptions.

Section 17.307.040 Exemptions

- A.** Residential fixtures consisting of lamp types of two thousand fifty lumens and below (the acceptability of a particular light is decided by its lumen output, not wattage. Check manufacturer's specifications). Examples include:
 - 1. One hundred watt standard incandescent and less;
 - 2. One hundred watt mid-break tungsten-halogen (quartz) and less;
 - 3. Twenty-five watt T-12 cool white fluorescent and less; and
 - 4. Eighteen watt low pressure sodium and less
- B.** Federally funded and State funded roadway construction projects, are exempt from the requirements of this Chapter only to the extent it is necessary to comply with Federal and State requirements.
- C. Fossil Fuel Light.** Fossil fuel light produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels is exempt from the provisions of this Article.
- D.** Full cutoff street lighting, which is part of a Federal, State, or municipal installation.
- E.** Holiday lighting.

- F. Lighting of sports facilities or stadiums prior to 11:00 p.m. Illumination after 11:00 p.m. is also permitted if it is necessary in order to conclude a recreational, sporting or other scheduled activity, which is in progress prior to that time.
- G. Specialized lighting necessary for safety, such as navigated or runway lighting of airports, or temporary lighting associated with emergency operations, road hazard warnings, etc.
- H. Traffic control signals and devices.

Section 17.307.050 Materials and Methods of Installation

The provisions of this Chapter are not intended to prevent the use of any design, material or method of installation or operation not specifically prohibited by this Chapter, provided such alternative designs, materials or methods conforms with the intent of this Chapter and has been approved by the City Planning Authority or Building Authority.

The City Planning Authority or Building Authority may approve an alternative design provided they find that:

- A. It complies with the applicable specific requirements of this Chapter; or
- B. It has been designed or approved by a registered professional engineer and complies with the purpose of this Chapter.

Section 17.307.060 Submittals

All applications for Building Permits or Land Use Planning Review which include installation of outdoor lighting fixtures shall include lighting plans conforming to the provisions of this Chapter. The City Planning Authority and/or Building Authority shall have the authority to request additional information in order to achieve the purposes of this Chapter.

- A. The submittal shall contain the following information submitted as part of the site plan to the Planning and Building Departments for approval:
 - 1. Plans indicating the location, type, intensity, and height of luminaries including both building and ground-mounted fixtures;
 - 2. A description of the luminaries, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations from the manufacturer;
 - 3. Photometric data, such as that furnished by the manufacturer, showing the angle of light emission and the foot-candles on the ground; and

4. Additional information as may be required in order to determine compliance with this Chapter.

Section 17.307.070 General Standards

The following general standards shall apply to all outdoor lighting installed after [the effective date of this Code] unless specifically exempted in Section 17.307.040:

- A. Area Lights.** All area lights, such as parking area lighting, shall be full cut-off fixtures and are encouraged to be eighty-five degree full cut-off type fixtures. Street lights shall be high-pressure sodium, low-pressure sodium, or metal halide. Street lights along residential streets shall be limited to a seventy watt high-pressure sodium (hps) light. Street lights along nonresidential streets or at intersections shall be limited to one hundred watts hps, except that lights at major intersections on State highways shall be limited to two hundred watts hps. If the City permits a light type other than high-pressure sodium, then the equivalent output shall be the limit for the other light type.
- B. Canopy Lights.** All lighting shall be recessed sufficiently so as to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent property.
- C. Illumination Levels.** Illumination levels and uniformity shall be in accordance with current recommended practices of the Illuminating Engineering Society. Recommended standards of the Illuminating Engineering Society shall not be exceeded.
- D.** All outdoor lighting systems shall be designed and operated so that the area ten feet beyond the property line of the premises receives no more than one quarter of a foot-candle of light from the premises lighting system.
- E. Temporary Lighting.** Temporary lighting that conforms to the requirements of this Ordinance shall be allowed. Nonconforming temporary exterior lighting may be permitted by the Building Authority only after considering:
 1. The public and/or private benefits which will result from the temporary lighting;
 2. Any annoyance or safety problems that may result from the use of the temporary lighting; and,
 3. The duration of the temporary nonconforming lighting. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Building Authority.

- F. Towers.** All radio, communication, and navigation towers that require lights shall have dual lighting capabilities. For daytime, the white strobe light may be used, and for nighttime, only red lights shall be used.

Section 17.307.080 Prohibited Lighting

- A.** Newly installed fixtures, which are not full-cutoff fixtures.
- B.** Lighting which presents a clear hazard to motorists, cyclists or pedestrians.
- C. Laser Source Light.** The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.

Section 17.307.090 Definitions

The terms used in this Chapter are generally defined in Chapter 17.102. The "IES" (Illuminating Engineering Society of North America) Lighting Handbook, most recent edition or Building Code shall be used for the definition of terms used in this Chapter but not defined in Chapter 17.102. In the case where a definition of a term of this Chapter is found to be in conflict with a definition of a term of any other Chapter, "IES" handbook or regulation, the more restrictive definition will apply.

Section 17.307.100 Lighting Comparisons**Table 17.307.100A Typical Lumens for Various Lamp Wattages**

Wattage	Low Pressure Sodium	High Pressure Sodium	Metal Halide	Fluorescent	Quartz	Mercury Vapor	Incandescent
9	-	-	-	600	-	-	-
18	1,800	-	-	-	-	-	-
35	4,725	2,250	-	-	-	-	-
40	-	4,000	-	2,250	-	-	480
50	-	-	-	-	1,400	1,140	480
55	7,925	-	-	-	-	-	-
60	-	-	-	-	-	-	870
70	-	5,800	5,500	-	-	-	-
75	-	-	-	-	-	2,800	1,190
90	14,400	-	-	-	-	-	-
100	-	9,500	8,000	-	-	4,300	1,750
110	-	-	-	6,600	-	-	-
150	-	16,000	-	-	-	-	2,285
175	-	-	14,000	-	-	8,600	-
200	-	22,000	-	-	-	-	4,401
250	-	27,500	20,500	-	-	12,100	-
300	-	-	-	-	-	-	6,360
400	-	50,000	36,000	-	-	22,500	-
500	-	-	-	-	-	-	10,850

Source: Portland General Electric Energy Resource Center

1. For the purpose of this Section wattage ratings for lamp types will be for either a single lamp source or multiple lamp sources when installed in a cluster.
2. Lamp types not listed in the Table may be approved for use by the Building Official providing installation of these lamps conforms to the lumen limits established in this Section.
3. Glass tubes filled with argon, neon or krypton do not require shielding.

Chapter 17.308**HILLSIDE AND GEOLOGIC HAZARD DEVELOPMENT STANDARDS****Sections:****Section 17.308.010 Purpose****Section 17.308.020 Applicability****Section 17.308.030 Definitions****Section 17.308.040 Determination of Buildable Lands****Section 17.308.050 Permitted Uses and Land Divisions****Section 17.308.060 Required Maps, Studies, and Reports****Section 17.308.070 Density Transfers****Section 17.308.080 Procedures****Section 17.308.090 Site Design Criteria****Section 17.308.010 Purpose**

The Hillside and Geologic Hazard Development Standards are intended to:

- A.** Balance conservation and protection of steep slope areas with equitable development.
- B.** Encourage clustering and transfer of development away from steep slope areas and associated natural resources.
- C.** Limit landslide and other geo-hazards; and soil erosion.
- D.** Encourage linked and cohesive areas for wildlife, watershed protection, tree canopy and other environmental benefits.
- E.** Encourage the City's scenic landscape and rural character.
- F.** Implement applicable policies of the Comprehensive Plan.
- G.** Encourage clean and safe drinking water resources.

Section 17.308.020 Applicability

- A. Hillside Development Standards Regulations – Generally.** These regulations apply to any parcel with slopes greater than twenty five percent and to areas designated by the City as potentially geologically hazardous. Confirmation of natural grade will be made as part of the development process of any property with information acceptable to the City Engineer. The regulations apply to activities and uses that require a building, grading, tree removal and/or land use permit. These regulations apply in addition to the base

district designation. All development within the Hillside Development Standards area shall comply with the provisions of this Chapter.

Section 17.308.030 Determination of Areas where Development is Permitted

For the purpose of this Section, developable lands in areas with steep slopes are areas where building construction is permitted in accordance with the following standards:

- A. Areas above twenty five percent slope and or potentially geologically hazardous lands can only be developed for construction after a geologic hazard report is prepared and utilized in accordance with Section 17.308.060(B).

Section 17.308.040 Permitted Uses and Land Divisions

- A. Permitted uses within the developable lands include:

- 1. Uses permitted in the base zone.
- 2. All uses permitted in Section 17.308.040(B).

- B. Permitted uses within conservation slope areas are limited to the following:

- 1. Construction, re-construction or expansion of public utilities and infrastructure (including both public roads and private streets) necessary to support permitted development;
- 2. Construction, re-construction or expansion of residential uses and allowed accessory structures on a newly created or pre-existing legal lot of record under the following prescribed conditions:
 - a. The applicant must demonstrate the lot has received prior valid planning approval;
 - b. Any engineering, building permit, erosion control, water quality, and re-vegetation standards of the City and County have been fully satisfied;
 - c. The residence or addition has been sited so as to minimize excavation and disturbance to native vegetation within steep slope areas;
 - d. The maximum impervious surface coverage standards shall be in compliance with the stormwater standards;
 - e. Development shall be consistent with the site design standards in Section 17.308.070 of this Chapter;
 - f. Initial disturbance to the minimum least extent possible. Any

disturbance in excess of one acre must be restored.

3. Open space and trails constructed consistent with City requirements.
4. Removal of refuse and permitted fill.
5. Planting of native vegetation and removal of non-native/invasive species, dead or dying trees or vegetation that is hazardous to the public; and
6. Repair or stabilization of unstable slopes.

C. Platting of New Parcels or Lots

1. No new parcel or lot shall be platted or approved except in accordance with the density standards of the applicable zone for lands exceeding twenty-five percent grade.
2. Density will be determined based on the outside perimeter lot lines of the original parcel being partitioned or subdivided.
3. The density allowed in the steep slope area on any partitioned or subdivided parcel will be accomplished on individual lots no smaller than the minimum density, or on lots of at least ten thousand square feet, clustered to the degree possible on portions of the original property with slopes less than twenty-five percent, still not exceeding the minimum density.

Section 17.308.050 Required Maps, Studies and Reports

A. Maps. To determine the location of steep slope lands, the applicant shall submit a scaled topographic map at two-foot contour intervals for lands less than twenty five percent in slope, and at five-foot contours for lands twenty five percent and greater in slope and for land within one hundred fifty feet of the site perimeter. This map shall be prepared by a licensed, professional engineer or land surveyor and shall show:

1. Slopes of twenty-five percent and greater;
2. Mapped DOGAMI potentially rapidly moving landslide hazard areas;
3. The area (in square feet) for each category listed above for the subject property;
4. The topographic map shall also indicate the location of all existing and proposed improvements on the development site, including existing and proposed structures; driveways, parking areas, and other impervious surface areas; and proposed retaining walls. The topographic map shall also generally indicate the location of existing trees, drain tiles, ditches

other similar features, and landscaping on the development site;

5. Maps prepared in accordance with this Section and submitted for any development application will be adequate for evaluation of individual parcels at the time of construction if those maps are updated with relevant information about any changes to the site, such as construction of streets and infrastructure.

B. Studies and Special Reports. The City Engineer may require the submittal of special reports to assist in the City's evaluation of compliance with this Code. Such studies may include:

1. Geological assessments and engineering reports prepared and stamped by a Certified Engineering Geologist and prepared according to the requirements and recommendations of the Oregon State Board of Geologist Examiners. Such reports shall include:
 - a. detailed descriptions of the geology of the site;
 - b. professional conclusions and recommendations regarding the effect of geological conditions on the proposed development;
 - c. opinions and recommendations covering the adequacy of the site to be developed; and
 - d. measures necessary to reduce the development risks and facilitate safe and stable development.
2. Hydrology and soils report prepared by a licensed, professional engineer registered in Oregon. This report shall include information on the hydrological conditions on the site, the effect of hydrologic conditions on the proposed development, the proposed development's impact on surface and groundwater flows to wetlands and streams, hydrological or erosion hazards, and recommended measures to avoid and minimize hydrologic impacts.
3. Wildlife and habitat report, prepared by a qualified biologist or ecologist. The report shall document environmental functions and values, and make recommendations for avoidance and minimization of impact.

C. Compliance with Study Conclusions and Recommendations

1. Recommendations stated in approved reports may be directly incorporated as permit conditions or provide the basis for conditions of approval for the regulated activity or use.
2. Where an approved assessment or report as defined by this Chapter has

been prepared within the last five years for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, that report may be utilized and a new report is not required. Should environmental conditions associated with the site or surrounding the site change, or if the proposed land use activity or development has materially changed, the applicant may be required to submit a new report or a supplement to the previous report.

Section 17.308.060 Procedures

Within land subject to the Hillside Development Standards, all subdivisions shall be reviewed as Planned Developments.

Section 17.308.070 Site Design Criteria

Development within areas subject to the Hillside Development Standards shall comply with the following site design criteria:

- A.** Significant trees are protected and/or incorporated into the site design in accordance with Chapter 17.302 Landscape Conservation.
- B. Grading.** The following cut and fill criteria are intended to ensure that new construction retains the existing landform of the site and follows the natural contours. Cuts and fills in excess of the following levels are considered excessive and contrary to the objectives of the Hillside Standard. Grading shall be done to the minimum amount necessary to accommodate buildings and to site structures consistent with slope contours.
 - 1. All cuts and fills are subject approval by the by the Building Official and City Engineer. Cuts, fills and grading shall be minimized, and buildings shall be located in a manner that minimizes the need for grading and preserves natural features such as prominent knolls, ridgelines, ravines, natural drainage courses, vegetation, and wildlife habitats and corridors to the maximum extent possible.
 - 2. Earthwork quantities (grading) shall be categorized as follows:
 - a. Access: driveway, parking and fire turnaround (if applicable)
 - b. House footprint
 - c. Cellars or basements
 - d. Other areas including landscaping, hardscape and outdoor spaces
 - e. Total (all areas added together)
 - 3. A Grading Permit is required per the City of Damascus Municipal Code,

or Clackamas County Code (as applicable), and must also comply with Section 16.16, Weak Foundation Soils, if applicable.

4. Strip grading for the purpose of clearing land of native vegetation is prohibited. Grading shall be limited to the area necessary for access, including driveway, parking and fire turnaround; house footprint; basement and landscape including hardscape and outdoor recreation spaces.
 5. Pad and terrace grading should be avoided to the maximum extent possible. However, if these techniques are used, the pad configuration should be softened with variable, undulating slopes created to give a more natural appearance (i.e. contour grading techniques).
 6. Provision of access and internal circulation routes are as short as possible and designed to work with the natural topography, maintain minimum grades and require minimum cut and fill.
- C. Lands that remain undeveloped are coordinated with adjacent parcels and natural resource areas, so that such areas, in combination, form a linked and cohesive natural resource system.
- D. Opportunities for linking wildlife corridors are implemented.
- E. Provision of access and internal circulation routes are as short as possible and designed to work with the natural topography, maintain minimum grades and require minimum cut and fill.
- F. Opportunities for shared access are utilized wherever practicable. The City Engineer may approve special street cross-sections that minimize impact and benefit water quality.

Chapter 17.309**Natural Resource Area: Metro Title 3 - Water Quality and Title 13 - Habitat****Sections:**

Section 17.309.010	Purpose
Section 17.309.020	Applicability
Section 17.309.030	Administration
Section 17.309.040	Exempt Uses and Conditioned Activities
Section 17.309.050	Prohibitions
Section 17.309.060	Construction Management Plans
Section 17.309.070	Development Standards
Section 17.309.080	Alternative Discretionary Development Standards
Section 17.309.0.90	Variances
Section 17.309.100	Map Administration and Habitat Conservation Area Verification
Section 17.309.200	Severability

Section 17.309.010 Purpose

- A.** To protect health, safety, and welfare. The regulations of this Chapter are intended to protect the beneficial water uses and functions and values of resources within natural resource areas by maintaining the integrity of the river, streams, and creeks in Damascus by minimizing erosion, promoting bank stability, maintaining and enhancing water quality, fish and wildlife habitats, and preserving the scenic quality, rural character and recreation potential for the Damascus community.
- B.** Implement goals and policies of the Comprehensive Plan.
- C.** To establish High, Moderate, and Low Habitat Conservation Areas (HCA) to implement the performance standards of Title 13 of the Metro Urban Growth Management Functional Plan.
- D.** To address the requirements of Metro Title 3 - Water Quality and Flood Management and Title 13 - Nature in the Neighborhoods.
- E.** To balance conservation and protection of natural resources with equitable and practicable development.
- F.** Promote areas for wildlife, watershed protection, tree canopy and other environmental benefits.
- G.** Allow and encourage nature friendly development where appropriate while minimizing the significant adverse impacts to fish and wildlife habitat and water

quality functions.

H. Provide for areas that require special consideration because these areas are:

1. Generally more difficult to develop and expensive to serve with urban infrastructure and such urban infrastructure is necessary to the proposed use and development of the area.
2. Located at the headwaters of watershed that provides clean drinking water to downstream users.

Section 17.309.020 Applicability

This Chapter shall apply to:

- A.** Development in the Water Quality Resource Areas (WQRA) (Metro Title 3 stream and wetland areas).
- B.** To all properties containing mapped Habitat Conservation Areas (HCA) (Title 13 habitat).
- C.** All applicants must provide Construction Management Plans, in accordance with Section 5 of this Ordinance.
- D.** Where applicants are proposing development entirely outside of the Habitat Conservation Area, but within 100 feet of its boundary, applicants must verify this boundary through the procedures outlined in Section 9 of this Ordinance.
- E.** Where applicants are proposing development within the Habitat Conservation Area, they must comply with the Development Standards found in Section 17.309.070 and Section 17.309.080 of this Ordinance, and the Map Verification procedures found in Section 17.309.090 of this Ordinance. Conditional Uses, and Activities that are exempt from these requirements, may be found in Section 17.309.040 of this Ordinance.
- F.** Applicants proposing to partition or subdivide properties containing Habitat Conservation Area must comply with the partition and subdivision standards found in Section 17.309.070(F) of this Ordinance, or the Discretionary standards in Section 17.309.080 of this Ordinance; as well as the Map Verification procedure in Section 17.309.100 of this Ordinance.
- G.** The Development Standards found in Sections 17.309.070 and 17.309.080 of this Ordinance do not apply to development that occurs entirely outside of any portion of the Habitat Conservation Area.
- H.** The requirements of this Ordinance apply in addition to other applicable local, State, Regional, and Federal development requirements, including

7. All applicable local, State, Regional and Federal development standards also apply including those for water quality resource areas and flood management.

Section 17.309.040 Exempt Uses and Conditioned Activities

The following uses and activities are exempt from the requirements of this Chapter:

- A. A building permit for a phased development project for which the applicant has previously met the application requirements, so long as the site for new construction was identified on the original permit and no new portion of the Habitat Conservation Area will be disturbed.
- B. Where a property has been subdivided under Subsection 17.309.070(F) of this Ordinance, and the mitigation requirements of Subsection 17.309.070(E) (and, if appropriate, Subsections 8(B) and 8(C)) have been completed for the subdivision, development on the individual lots may proceed without further review under this Ordinance. Similarly, where a property has been subdivided under Subsection 8(D) of this Ordinance, and the mitigation requirements of subsection 8(D) have been completed for the subdivision, development on the individual lots may proceed without further review under this Ordinance.
- C. Limited types of development, redevelopment, operations, and improvements, including the following:
 1. Maintenance, alteration, expansion, repair and replacement of existing structures provided that the building footprint is not increased.
 2. The alteration, expansion, or replacement of existing structures, provided that:
 - a. The alteration, expansion, or replacement of a structure will not intrude more than 500 square feet into the Habitat Conservation Area in addition to the area defined as the building footprint as of January 1, 2006; and
 - b. The new intrusion into the Habitat Conservation Area is no closer to the protected water feature than the pre-existing structure or improvement.
 3. Minor encroachments not to exceed 120 square feet of impervious surface such as accessory buildings, eave overhangs, exterior building improvements for access and exiting requirements, or other similar features.

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waterborne transportation or recreation.

13. Operation, maintenance, and repair of manmade water control facilities such as irrigation and drainage ditches ORS 527.722(2), (3), and (4). “Forest practices” and “forestlands” as used in this, constructed ponds or lakes, wastewater facilities, and stormwater pretreatment facilities.
 14. Projects with the sole purpose of restoring or enhancing wetlands, streams, or fish and wildlife habitat areas, provided that the project is part of an approved local, state, or federal restoration or enhancement plan.
 15. Low-impact outdoor recreation facilities for public use, outside of Water Quality Resource Areas, including, but not limited to, multi-use paths, access ways, trails, picnic areas, or interpretive and educational displays and overlooks that include benches and outdoor furniture, provided that the facility meets the following requirements:
 - a. It contains less than 500 square feet of new impervious surface; and,
 - b. Its trails shall be constructed using non-hazardous, pervious materials, with a maximum width of four feet.
- D.** Emergency procedures or activities undertaken which are necessary to remove or abate hazards and nuisances or for the protection of public health, safety and welfare; provided that such remedial or preventative action must take place within a timeframe too short to allow for compliance with the requirements of this Ordinance. After the emergency, the person or agency undertaking the action shall fully restore any impacts to the Habitat Conservation Area resulting from the emergency action. Hazards that may be removed or abated include those required to maintain aircraft safety.

Section 17.309.050 Prohibitions

- A.** The planting of any invasive non-native or noxious vegetation is prohibited within the Habitat Conservation Area.
- B.** Outside storage of materials is prohibited within the Habitat Conservation Area, unless such storage began before the effective date of this ordinance; or, unless such storage is approved during development review under either Section 17.309.070 or Section 17.309.080 of this Ordinance.

Section 17.309.060 Construction Management Plans

In order to ensure that trees and vegetation within Habitat Conservation Areas are not damaged during construction, all applicants, even those not developing within a Habitat Conservation Area, shall provide a construction management plan that includes the following information:

- A.** Location of site access and egress that construction equipment will use;
- B.** Equipment and material staging and stockpile areas;
- C.** Erosion and sediment control measures; and area approved under the provisions of Section 17.309.070 or Section 17.309.080 of this Ordinance.
- D.** Measures to protect trees and other vegetation located within the Habitat Conservation Area, but outside of the disturbance.

Section 17.309.070 Development Standards

The development standards described in this Section apply to all development and redevelopment that occurs entirely, or partially, within Habitat Conservation Areas, unless such development is exempt under Section 3, or, unless the applicant chooses to follow the discretionary process in Section 7 of this Ordinance. This section also applies to subdivisions and partitions of properties that contain Habitat Conservation Areas.

Application for a land use, building, grading, land division, or other development permit through the clear and objective process may be an administrative decision [Type I or Type II].

- A. Application Requirements.** Applications for a Building Permit or Development Permit must provide a development plan and accompanying narrative explanation that includes the following information in addition to any other Building Permit or Development Permit requirements. All of the application requirements must be met prior to approval of a Building or Development Permit.
1. Applicants must verify the Habitat Conservation Area on their property as described in Section 17.309.100 of this Ordinance.
 2. For the entire subject property (HCA and non-HCA), applicants must submit a scale map of the property that includes:
 - a. Location of all High, Moderate, and Low Habitat Conservation Areas on the property;
 - b. Outline of any existing disturbance area, including the location of existing adjacent streets and paved areas, utilities, culverts, stormwater management facilities, or bridges;
 - c. Location of any wetlands or water bodies on the property, including a delineation of the Water Quality Resource Area;
 - d. Location of 100 year floodplain and floodway boundary as defined by

the Federal Emergency Management Agency (FEMA) and the area of the 1996 flood inundation; and

- e. Topography shown by contour lines of two foot intervals for slopes less than 15% and by ten foot intervals for slopes 15% or greater. On properties that are two acres or larger, such a contour map is required only for the portion of the property to be developed.
3. Detailed site plan of proposed development outlining total disturbance area, including, proposed building footprints, site property improvements, utilities and landscaping.
 4. The following additional information shall be provided about the Habitat Conservation Area:
 - a. For properties containing less than one acre of Habitat Conservation Area, the location of all trees within the Habitat Conservation Area that are greater than eight inches diameter at breast height (DBH), shall be identified by size and species. For properties containing one acre or more of Habitat Conservation Area, the applicant may approximate the number of trees and the diameter range, and provide a listing of the dominant species;
 - b. For proposed disturbance areas containing less than one acre of Habitat Conservation Area, all trees with diameter of eight inches or less measured at 4½ foot from the ground that will be removed shall be specifically identified as to diameter at breast height (DBH) and species. For proposed disturbance areas containing one acre or more of Habitat Conservation Area an approximate of the number of trees, their diameters and the dominant species; and
 - c. If grading will occur within the Habitat Conservation Area, a grading plan showing the proposed alteration of the ground at one foot vertical contours in areas of slopes less than 5%, and two foot vertical contours in areas of slopes 6% - 15%, and at five foot vertical contours of slopes 15% or greater.
- B. Methods for avoiding Habitat Conservation Areas.** The following habitat-friendly development practices may be used to avoid or minimize development within Habitat Conservation Areas by allowing flexible site design.
1. ***Building setback flexibility*** to avoid, or minimize, development within Habitat Conservation Areas. The minimum building setback of the base zone may be reduced to any distance between the base zone minimum and zero, unless this reduction conflicts with applicable fire or life safety

requirements.

2. ***Flexible landscaping requirements*** to avoid, or minimize, development within Habitat Conservation Areas.
 - a. Landscaping requirements, apart from those required for parking lots or street berms, may be met by preserving the Habitat Conservation Area.
 - b. Facilities that infiltrate stormwater onsite, including the associated piping, may be placed within the Habitat Conservation Area so long as the forest canopy and the areas within the drip lines of the trees are not disturbed. Such facilities may include, but are not limited to, vegetated swales, rain gardens, vegetated filter strip, and vegetated infiltration basins. Only native vegetation may be planted in these facilities.
3. ***Flexible Site Design*** (On-Site Density Transfer) to avoid or minimize development within Habitat Conservation Areas.
 - a. *Residential.* For residential development proposals on lands with a Habitat Conservation Area, a transfer of density within the property site is permitted.
 - b. In order to accommodate the transferred density, dimensional standards and lot sizes may be adjusted by no more than 30 percent.
 - c. *Commercial and Industrial Zones.* For on-site density transfers in Commercial or Industrial zones, the transfer credit is 10,000 square feet floor area ratio (FAR) per acre of land within the Habitat Conservation Area.
 - d. *Mixed-Use Zones.* Within mixed-use zones the density transfer credit can be factored using either 3(a) or 3(c) above, depending on the type of development proposed.
 - e. All remaining Habitat Conservation Area shall be permanently restricted from development and maintained for habitat functions, such as by making a public dedication or executing a restrictive covenant of land divisions in order to allow ways to better protect Habitat Conservation Areas.
4. ***Site Capacity Incentives.*** The following site capacity standards provide flexibility in the design of the Habitat Conservation Area:
 - a. Density bonus if Habitat Conservation Area is protected. In multi-

Subsection 17.309.070(D) of this Ordinance. If all development occurs outside of a Habitat Conservation Area on a property, these standards do not apply. These standards also do not apply to development that occurs pursuant to the standards established by the alternative discretionary development standards in Section 17.309.080 of this Ordinance. (Note: Applicants seeking to develop within a Water Quality Resource Area must utilize either the discretionary standards located in Section 17.309.080 of this Ordinance).

1. ***Disturbance area limitations*** to minimize impact to Habitat Conservation Area.

- a. *Single-family residential.* The Maximum Disturbance Area (MDA) allowed within Habitat Conservation Areas is determined by subtracting the area of the lot or parcel outside of the Habitat Conservation Areas from the Total Disturbance Area (TDA) calculated as described in Table 1 below: $(TDA - \text{Area outside the HCA} = MDA)$
 - i. Moderate and Low Habitat Conservation Areas are subject to the same disturbance area limitations.
 - ii. Calculation of Maximum Disturbance Area. If a lot or parcel includes both High and Moderate/Low Habitat Conservation Areas then:
 - (A) If there is more High Habitat Conservation Area than Moderate/Low Habitat Conservation Area on the lot or parcel, then the MDA shall be calculated as if all of the Moderate/Low and High Habitat Conservation Area were High, per Table 1 below; or
 - (B) If there is more Moderate/Low Habitat Conservation Area than High Habitat Conservation Area on the lot or parcel, then the MDA shall be calculated as if all of the Moderate/Low and High Habitat Conservation Area were Moderate/Low, per Table 1 below.
 - iii. Location of MDA. If a lot or parcel includes different types of Habitat Conservation Areas, then:
 - (A) The amount of development that may occur within the High Habitat Conservation Area is equal to the total disturbance area minus the area of the lot or parcel outside of the High Habitat Conservation Area: $(TDA - \text{non-High HCA} = MDA)$.

If the area of the lot or parcel outside the High Habitat

Conservation Area is greater than the total disturbance area, then development shall not occur within the High Habitat Conservation Area: (Area outside High HCA > TDA = no development in High HCA);

- (B) The amount of development that may occur within the Moderate Habitat Conservation Area is equal to the total disturbance area minus the area of the lot or parcel outside of the High and Moderate Habitat Conservation Area: (TDA – (Low HCA + non-HCA) = MDA).

If the area of the lot or parcel outside the Moderate Habitat Conservation Area is greater than the total disturbance area, then development shall not occur within the Moderate Habitat Conservation Area: (Area outside Moderate HCA > TDA = no development in Moderate HCA);

and

- (C) The amount of development that may occur within the Low Habitat Conservation Area is equal to the total disturbance area minus the area of the lot or parcel outside of the High, Moderate and Low Habitat Conservation Area (TDA – non-HCA = MDA). If the area of the lot or parcel outside the Low Habitat Conservation Area is greater than the total disturbance area, then development shall not occur within the Low Habitat Conservation Area: (Area outside Low HCA > TDA = no development in Low HCA).

Table 1. Habitat Conservation Area Total Disturbance Area Limitations for Single Family Residential

Habitat	Total Disturbance Area
High	50 percent of the lot area, up to maximum of 5,000 square feet.
Moderate/Low	65 percent of the lot area, up to maximum of 6,000 square feet.

- b. *All other zones.* The Maximum Disturbance Area (MDA) allowed by right within Low, Moderate and High Habitat Conservation Areas in these zones is found in Table 2 below; this MDA is subject to the mitigation requirements described in subsection 17.309.070(E) of this Ordinance.

Table 2. Habitat Conservation Area Disturbance Area Limitations for all zones other than Single Family Residential

Habitat	Maximum Disturbance Area
High	10 percent of Habitat Conservation Area on site
Moderate	15 percent of Habitat Conservation Area on site
Low	50 percent of Habitat Conservation Area on site

- c. Development within a Habitat Conservation Area in accordance with the provisions of this Ordinance shall not result in a change of the Habitat Conservation Area status of such developed areas on a property. In the case of a later development request seeking to develop within previously undisturbed Habitat Conservation Areas on a property where a prior development request was subject to the provisions of this Ordinance, the calculation of the MDA allowed on the property shall be based on the location of the Habitat Conservation Area, notwithstanding the location of any authorized development within the Habitat Conservation Area.

2. *Protection of habitat during site development.* During development of any site containing a Habitat Conservation Area, the following standards apply:

- a. Work areas shall be marked to reduce potential damage to the Habitat Conservation Area.
- b. Trees in Habitat Conservation Areas shall not be used as anchors for stabilizing construction equipment.
- c. Native soils disturbed during development shall be conserved on the property.
- d. An erosion and sediment control plan is required and shall be prepared in compliance with requirements set forth per the city's erosion control regulations.
- e. Prior to construction, the Habitat Conservation Area that is to remain undeveloped shall be flagged, fenced, or otherwise marked and shall remain undisturbed.
- f. All work on the property shall conform to the Construction Management Plan described in Section 17.309.060 of this Ordinance.

D. Utility facility standards. The following disturbance area limitations apply to new utilities, private connections to existing or new utility lines, and upgrade:

- 1. The disturbance area for utility facility connections to utility facilities is no

greater than 10 feet wide.

2. The disturbance area for the upgrade of existing utility facilities is no greater than 15 feet wide.
3. The disturbance area for new underground utility facilities is no greater than 25 feet wide and disturbs no more than 200 linear feet of Water Quality Resource Area, within any 1,000 linear foot stretch of Water Quality Resource Area; provided that this disturbance area shall be restored with the exception of necessary access points to the utility facility.
4. No fill or excavation is allowed within the ordinary high water mark of a stream, unless a permit is obtained from the US Army Corps of Engineers through the Standard Local Operating Procedures for Endangered Species (SLOPES) process.
5. Mitigation is required as described in Subsection E below.

E. Mitigation requirements for disturbance in Habitat Conservation Areas.

In order to achieve the goal of reestablishing forested canopy that meets the ecological values and functions tree replacement and vegetation planting are required when development intrudes into a Habitat Conservation Area according to the following standards, except for wetlands mitigation requirements imposed by State and Federal law.

1. ***Required plants and plant densities.*** All trees, shrubs and ground cover must be native plants selected from the *Metro Native Plant List*. An applicant must meet Mitigation Option 1 or 2. Except that where the disturbance area is one acre or more, the applicant shall comply with Mitigation Option 2:
 - a. *Mitigation Option 1.* In this option, the mitigation requirement is calculated based on the number and size of trees that are removed from the site. Trees that are removed from the site must be replaced as shown in Table 3. Conifers must be replaced with conifers. Bare ground must be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.

Table 3. Tree Replacement

Size of tree to be removed (inches in diameter)	Number of trees and shrubs to be planted
6 to 12	2 trees and 3 shrubs
13 to 18	3 trees and 6 shrubs
19 to 24	5 trees and 12 shrubs
25 to 30	7 trees and 18 shrubs

over 30	10 trees and 30 shrubs
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- b. **Mitigation Option 2.** In this option, the mitigation requirement is calculated based on the size of the disturbance area within a Habitat Conservation Area. Native trees and shrubs are required to be planted at a rate of five (5) trees and twenty-five (25) shrubs per every 500 square feet of disturbance area (calculated by dividing the number of square feet of disturbance area by 500, and then multiplying that result times five trees and 25 shrubs, and rounding all fractions to the nearest whole number of trees and shrubs; for example, if there will be 330 square feet of disturbance area, then 330 divided by 500 equals 0.66, and 0.66 times five equals 3.3, so three trees must be planted, and .66 times 25 equals 16.5, so 17 shrubs must be planted). Bare ground must be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.
2. **Plant size.** Replacement trees must be at least one-half inch in caliper, measured at 6 inches above the ground level for field grown trees or above the soil line for container grown trees (the one-half inch minimum size may be an average caliper measure, recognizing that trees are not uniformly round), unless they are Oak or Madrone which may be one gallon size. Shrubs must be in at least a 1-gallon container or the equivalent in ball and burlap and must be at least 12 inches in height.
3. **Plant spacing.** Trees shall be planted between 8 and 12 feet on-center and shrubs shall be planted between 4 and 5 feet on center, or clustered in single species groups of no more than four (4) plants, with each cluster planted between 8 and 10 feet on center. When planting near existing trees, the drip line of the existing tree shall be the starting point for plant spacing measurements.
4. **Plant diversity.** Shrubs must consist of at least two (2) different species. If 10 trees or more are planted, then no more than 50% of the trees may be of the same genus.
5. **Location of mitigation area.** All vegetation must be planted on the applicant's site within the Habitat Conservation Area or in an area contiguous to the Habitat Conservation Area; provided, however, that if the vegetation is planted outside of the Habitat Conservation Area then the applicant shall preserve the contiguous area by executing a deed restriction, such as a restrictive covenant. (*Note: an off-site mitigation option is provided in a streamlined discretionary review process*).
6. **Invasive vegetation.** Invasive non-native or noxious vegetation must be

according to Section 17.309.100 of this Ordinance.

- b. Applicants who are partitioning, but are not simultaneously developing their property, do not need to comply with Section 17.309.060 of this Ordinance.
- c. When partitioning a property into parcels there shall be no more than a 30% percentage point difference in the percentage of Habitat Conservation Area on the parcels; for example, a partition that produces two parcels, one that is 55% Habitat Conservation Area and the other that is 35% Habitat Conservation Area is permissible; whereas a partition that produces two parcels, one that is 75% Habitat Conservation Area and the other that is 30% Habitat Conservation Area is not permissible. However, an applicant may partition a property such that at least 90% of the original property's High Habitat Conservation Area and 80% of its moderate Habitat Conservation Area is on a separate unbuildable parcel, protected by a restrictive covenant or a public dedication.
- d. Subsequent development on any parcels containing Habitat Conservation Areas shall comply with Section 17.309.070, and the development standards of either Section 17.309.070 or Section 17.309.080 of this Ordinance.

2. Standards for Subdivisions containing Habitat Conservation Areas:

- a. Applicants who are subdividing, but not developing, must verify the location of the Habitat Conservation Area boundary according to Section 17.307.100 of this Ordinance, and comply with this Subsection 17.309.070 (F); such applicants do not need to comply with Section 17.309.060 of this Ordinance. Applicants who are subdividing, but not developing, property may:
 - i. Complete the mitigation requirements of Subsection 17.309.070(E) of this Ordinance (and, if appropriate, Subsections 17.309.080(B) and 7(C)) and thereby exempt all subsequent development on lots containing Habitat Conservation Area from further review under this Ordinance; or
 - ii. Not complete the mitigation requirements of Subsections 17.309.070(E), 17.309.080(B), or 17.309.080(C) of this Ordinance, thus requiring that any subsequent development within a Habitat Conservation Area be subject to this Ordinance.
- b. Applicants who are subdividing and developing properties must comply with Sections 17.309.060, 17.309.070, and 17.309.100 of

this Ordinance.

- c. When a property containing any Habitat Conservation Area is subdivided, this Ordinance requires that new subdivision plats delineate and show the Moderate and High Habitat Conservation Area as a separate unbuildable tract according to the following process:
 - i. The applicant must place at least 90% of the High Habitat Conservation Area and 80% of the Moderate Habitat Conservation Area in a separate tract.
 - (A) If over 50% of the Habitat Conservation Area on a property is of a High designation, the entire calculation is for High (i.e., 90% of the Habitat Conservation Area must be placed within a separate tract).
 - (B) If over 50% of the Habitat Conservation Area on a property is of a Moderate designation, the entire calculation is for Moderate (i.e., 80% of the Habitat Conservation Area must be placed within a separate tract).
 - ii. If the tract is adjacent to the backyard for residences, the minimum backyard requirement is reduced to 10 feet.
 - iii. The standards for subdivisions in Moderate and High Habitat Conservation Areas shall apply in addition to the requirements of this Ordinance.
 - iv. Prior to preliminary plat approval, the Moderate and/or High Habitat Conservation Area shall be shown as a separate tract, which shall not be a part of any lot used for construction of a dwelling unit.
 - v. Prior to final plat approval, ownership of the Habitat Conservation Area tract shall be identified to distinguish it from lots intended for sale. The tract may be identified as any one of the following:
 - (A) Private natural area held by the owner or homeowners association by a restrictive covenant; or
 - (B) For residential subdivisions, private natural area subject to an easement conveying storm and surface water management rights to the city/county and preventing the owner of the tract from activities and uses inconsistent with the purpose of this Ordinance; or

Section 17.309.080 Alternative Discretionary Development Standards

A. Discretionary Review for Partitions. An applicant seeking to partition land in ways that do not accord with the standards established in Section 17.309.070(F)(1) may seek review under this Subsection 7(A).

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- b. A written and documented explanation of how and why the proposed partition satisfies the approval criteria in Subsection 7(A)(3). Such written documentation shall include an alternatives analysis of different possible partition plans, based on the characteristics and zoning of the property.
3. Approval Criteria. A partition shall be approved under this Subsection 7(A) provided that the applicant demonstrates that it is not practicable to comply with the partition standards in Section 17.309.070(F)(1) of this Ordinance, and that the applicant's partition plan will result in the smallest practicable percentage point difference in the percentage of Habitat Conservation Area on the parcels created by the partition (this will minimize the amount of allowable disturbance areas within Habitat Conservation Areas on the parcels, assuming that the development standards in this Section 6 were applied to future development on such parcels).
4. Subsequent development on any parcels created by the partition and containing Habitat Conservation Areas shall comply with all provisions of this Ordinance, except that the map verification completed and approved as part of the partition may be used to satisfy the requirements of Section 9 of this Ordinance for any such development.

B. Discretionary Review To Approve Off-Site Mitigation. An applicant seeking discretionary approval only for off-site mitigation within the same subwatershed (6th Field Hydrologic Unit Code), but who will comply with all other provisions of Section 6 of this Ordinance, may seek review under this Subsection 7(B). (An applicant who seeks to conduct the mitigation in a different subwatershed may apply for such approval under Subsection 7(D) of this Ordinance.)

1. The applicant shall submit:
 - a. A calculation of the number of trees and shrubs the applicant is required to plant under Section 17.309.070(E) of this Ordinance; and
 - b. A map and accompanying narrative that details the following:
 - i. The number of trees and shrubs that can be planted on-site;
 - ii. The on-site location where those trees and shrubs can be planted;
 - iii. An explanation of why it is not practicable for the remainder of the mitigation to occur on-site; and
 - iv. The proposed location for off-site mitigation and documentation

that the applicant can carry out and ensure the success of the mitigation, including documentation that the applicant possesses legal authority to conduct and maintain the mitigation, such as having a sufficient ownership interest in the mitigation site, and, if the mitigation is not within a Habitat Conservation Area, documentation that the mitigation site will be protected after the monitoring period expires, such as through the use of a restrictive covenant.

2. Approval Criteria. Off-site mitigation shall be approved under this Subsection 8(B) provided that the applicant has demonstrated that it is not practicable to complete the mitigation on-site and that the applicant has documented that it can carry out and ensure the success of the off-site mitigation on a property within the same subwatershed (6th Field Hydrologic Unit Code) as the related disturbed Habitat Conservation Area.
3. Mitigation approved under this Subsection 8(B) of this Ordinance shall be subject to all of the requirements of Subsection 17.309.070(E) of this Ordinance, except for the requirements of Subsection 17.309.070(E)(5) of this Ordinance.

C. Discretionary Review To Approve Mitigation That Varies the Number and Size of Trees and Shrubs. An applicant seeking discretionary approval only to proportionally vary the number and size of trees and shrubs required to be planted under Subsection 17.309.070(E), for example to plant fewer larger trees and shrubs or to plant more smaller trees and shrubs, but who will comply with all other provisions of Section 17.309.070 of this Ordinance, may seek review under this Subsection 8(C).

1. The applicant shall submit:
 - a. A calculation of the number of trees and shrubs the applicant would be required to plant under Section 17.309.070(E) of this Ordinance;
 - b. The numbers and sizes of trees and shrubs that the applicant proposes to plant;
 - c. An explanation of why the numbers and sizes of trees and shrubs that the applicant proposes to plant will achieve, at the end of the fifth year after initial planting, comparable or better mitigation results as the results that would be achieved if the applicant complied with all of the requirements of Subsection 17.309.070(E) of this Ordinance. Such explanation shall be prepared and signed by a knowledgeable and qualified natural resources professional or a certified landscape architect and shall include discussion of site preparation including soil

additives and removal of invasive and noxious vegetation, plant diversity, plant spacing, planting season, and immediate post-planting care including mulching, irrigation, wildlife protection, and weed control; and

d. The applicant's mitigation site monitoring and reporting plan.

2. **Approval Criteria.** A request to vary the numbers and sizes of trees and shrubs to be planted shall be approved if the applicant demonstrates that the proposed planting will achieve, at the end of the fifth year after initial planting, comparable or better mitigation results as the results that would be achieved if the applicant complied with all of the requirements of Subsection 17.309.070(E) of this Ordinance. Such determination shall take into consideration all of the information required to be submitted under Subsection 17.309.080(C)(1) of this Ordinance.
3. Mitigation approved under Subsection 8(C) of this Ordinance shall be subject to the requirements of Subsections 17.309.070(E)(4) through 17.309.070(E)(9) of this Ordinance, and it is recommended that such mitigation also follow the practices recommended in Subsection 17.309.070(E)(10) of this Ordinance.

D. Discretionary Review. An applicant seeking discretionary approval to undertake any development activity within a Habitat Conservation Area that does not comply with Subsection 17.309.070 of this Ordinance and is not described in Subsections 17.309.080(A), (B), or (C) of this Ordinance may file an application under this Section 17.309.080(D) of this Ordinance.

1. **Application Requirements.** The applicant shall provide all items described in Subsection 17.309.070(A) of this Ordinance, except that, for utility projects undertaken by public utilities across property that is not owned by the utility, the utility shall not be required to map or provide any information about the property except for the area within 300 feet of the location of the proposed disturbance area of the utility's project, and the applicant shall also provide all of the following:

- a. **Impact Evaluation and Alternatives Analysis.** An impact evaluation and alternatives analysis is required to determine compliance with the approval criteria and to evaluate development alternatives for a particular property. The alternatives must be evaluated on the basis of their impact on the Habitat Conservation Area, the ecological functions provided by the Habitat Conservation Area on the property, and off-site impacts within the subwatershed (6th Field Hydrologic Unit Code) where the property is located. The impact evaluation shall include all of the following items:

- i. Identification of the ecological functions of riparian habitat found on the property as described in Table 4 of this Ordinance and the habitat connectivity ecological functions described in Subsection 8(D)(1)(a)(ii)(C) and (D) of this Ordinance.
- ii. For upland habitat in areas to be added to the Metro urban growth boundary areas after October 1, 2005, identification of the impact the proposed development would have on the following ecological functions provided by upland wildlife habitat:
 - (A) Habitat patch size;
 - (B) Interior habitat;
 - (C) Connectivity of the habitat to water; and
 - (D) Connectivity of the habitat to other habitat areas.

Table 4. Ecological Functional Values of Riparian Corridors

Ecological function	Landscape features providing functional values
Microclimate and shade	Forest canopy or woody vegetation within 100 feet of a stream; a wetland ¹ ; or a flood area ² .
Streamflow moderation and water storage	A wetland or other water body ³ with a hydrologic connection to a stream; or a flood area ² .
Bank stabilization, sediment and pollution control	All sites within 50 feet of a surface stream; Forest canopy, woody vegetation, or low structure vegetation/open soils within 100 feet of a stream or a wetland; or forest canopy, woody vegetation, or low structure vegetation/open soils within a flood area; and, Forest canopy, woody vegetation, or low structure vegetation/open soils within 100 - 200 feet of a stream if the slope is greater than 25%.
Large wood and channel dynamics	Forest canopy within 150 feet of a stream or wetland; or within a flood area; and The channel migration zone is defined by the floodplain, but where there is no mapped floodplain a default of 50 feet is established to allow for the channel migration zone.
Organic material sources	Forest canopy or woody vegetation within 100 feet of a stream or wetland; or within a flood area.

¹Refers to “hydrologically-connected wetlands,” which are located partially or wholly

within one-quarter mile of a surface stream or flood area.

²Developed floodplains are not identified as Habitat Conservation Areas because they do not provide primary ecological functional value.

³“Other water body” could include lakes, ponds, reservoirs, or manmade water feature that is not a water quality facility or farm pond.

iii. Evaluation of alternative locations, design modifications, or alternative methods of development to determine which options reduce the significant detrimental impacts on the Habitat Conservation Areas and the ecological functions provided on the property. At a minimum, the following approaches must be considered:

(A) The techniques described in Subsection 17.309.070(B) of this Ordinance;

(B) Multi-story construction;

(C) Minimizing building and development footprint;

(D) Maximizing the use of native landscaping materials; and

(E) Minimal excavation foundation systems (e.g., pier, post or piling foundation).

iv. Determination of the alternative that best meets the applicable approval criteria and identification of significant detrimental impacts that are unavoidable.

b. **Mitigation Plan.** The purpose of a mitigation plan is to compensate for unavoidable significant detrimental impacts to ecological functions that result from the chosen development alternative as identified in the impact evaluation. However, when development occurs within delineated wetlands, then the mitigation required under Subsection 17.309.080(D)(2)(d) shall not require any additional mitigation than the mitigation required by State and Federal law for the fill or removal of such wetlands.

i. An applicant may choose to develop a mitigation plan consistent with the requirements of Subsection 17.309.070(E) of this Ordinance. If an applicant so chooses, then the applicant shall submit a mitigation plan demonstrating such compliance.

ii. If an applicant chooses to develop an alternative mitigation plan that would not comply with the requirements of Subsection 17.309.070(E) of this Ordinance, including, for example, a

proposal to create an alternative plant community type such as an oak savannah or a low-structure plant community, or where an applicant demonstrates that a portion of identified Habitat Conservation Area on its property provides only impaired ecological functions, then the applicant shall submit a mitigation plan that includes all of the following:

- (A) An explanation of how the proposed mitigation will adequately compensate for the impacts to ecological functions described in the impact evaluation required by Subsection 17.309.080(D) (1)(a). The applicant may use the mitigation that would be required under Subsection 17.309.070(E) of this Ordinance as the baseline mitigation required to compensate for disturbance to a Habitat Conservation Area that provides an average level of ecological functions. Such explanation shall include:
 - (1) If the applicant uses the mitigation that would be required under Subsection 17.309.070(E) of this Ordinance as the baseline mitigation required to compensate for disturbance to a Habitat Conservation Area, then the applicant shall submit a calculation of the number of trees and shrubs the applicant would be required to plant under Subsection 17.309.070(E) of this Ordinance;
 - (2) A site plan showing where the specific mitigation activities will occur and the numbers and sizes of trees and shrubs that the applicant proposes to plant; and
 - (3) A discussion of site preparation including soil additives and removal of invasive and noxious vegetation, plant diversity, plant spacing, planting season, and immediate post-planting care including mulching, irrigation, wildlife protection, and weed control.
- (B) Documentation of coordination with appropriate local, regional, special District, State, and Federal regulatory agencies.
- (C) A list of all parties responsible for implementing and monitoring the mitigation plan and, if mitigation will occur off-site, the names of the owners of property where mitigation plantings will occur.
- (D) The applicant's mitigation site monitoring and reporting plan.
- (E) If the proposed mitigation will not be conducted on-site, the applicant shall submit a map and accompanying narrative that

details the following:

- (1) The number of trees and shrubs that can be planted on-site;
 - (2) The on-site location where those trees and shrubs can be planted;
 - (3) An explanation of why it is not practicable for the remainder of the mitigation to occur on-site; and
 - (4) The proposed location for off-site mitigation and documentation that the applicant can carry out and ensure the success of the mitigation, including documentation that the applicant possesses legal authority to conduct and maintain the mitigation, such as having a sufficient ownership interest in the mitigation site, and, if the mitigation is not within a Habitat Conservation Area, documentation that the mitigation site will be protected after the monitoring period expires, such as through the use of a restrictive covenant.
- (F) If the mitigation area is off-site and not within the same subwatershed (6th Field Hydrologic Unit Code) as the related disturbed Habitat Conservation Area, the applicant shall submit an explanation of why it is not practicable to conduct the mitigation within the same subwatershed and of why and how, considering the purpose of the mitigation, the mitigation will provide more ecological functional value if implemented outside of the subwatershed.
- (G) An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting and a contingency plan. If the applicant is proposing any in-stream work in fish-bearing streams as part of the mitigation project, then the applicant shall submit documentation that such work will be done in accordance with the Oregon Department of Fish and Wildlife in-stream work timing schedule.
- c. The Impact Evaluation and Alternatives Analysis required by Subsection 17.309.080(D)(1)(a) and the Mitigation Plan required by Subsection 17.309.080(D)(1)(b) shall be prepared and signed by either:
- (1) a knowledgeable and qualified natural resource professional, such as a wildlife biologist, botanist, or hydrologist, or

- (2) a civil or environmental engineer registered in Oregon to design public sanitary or storm systems, storm water facilities, or other similar facilities.

The application shall include a description of the qualifications and experience of all persons that contributed to the Impact Evaluation and Alternatives Analysis and to the Mitigation Plan, and, for each person that contributed, a description of the elements of such reports to which the person contributed.

2. Approval Criteria.

- a. All application requirements in Subsection 17.309.080(D)(1) shall be met.
- b. **Avoid.** An applicant shall first avoid the intrusion of development into the Habitat Conservation Area to the extent practicable. The development that is proposed must have less detrimental impact to Habitat Conservation Areas than other practicable alternatives, including significantly different practicable alternatives that propose less development within Habitat Conservation Areas. If there is more than one type of Habitat Conservation Area on a property then the applicant shall first avoid the intrusion of development into the higher-valued Habitat Conservation Area, to the extent practicable, and the development that is proposed must have less detrimental impact to the higher-valued Habitat Conservation Areas than other practicable alternatives. To avoid development in Habitat Conservation Areas, and to the extent practicable, applicants shall use the approaches described in Subsection 17.309.080(D)(1)(a)(iii).
- c. **Minimize.** If the applicant demonstrates that there is no practicable alternative that will not avoid disturbance of the Habitat Conservation Area, then the development proposed by the applicant within the Habitat Conservation Area shall minimize detrimental impacts to the extent practicable. If there is more than one type of Habitat Conservation Area on a property then the development within higher-valued Habitat Conservation Areas shall be considered more detrimental than development within lower-valued Habitat Conservation Areas.
 - i. Development must minimize detrimental impacts to ecological functions and loss of habitat consistent with uses allowed by right under the base zone, to the extent practicable;
 - ii. To the extent practicable within the Habitat Conservation Area, the

proposed development shall be designed, located, and constructed to:

- (A) Minimize grading, removal of native vegetation, and disturbance and removal of native soils by using the approaches described in Subsection 17.309.070(C)(2), reducing building footprints, and using minimal excavation foundation systems (e.g., pier, post or piling foundation);
 - (B) Minimize adverse hydrological impacts on water resources such as by using the techniques described in Part (a) of Table 5, unless their use is prohibited by an applicable and required State or Federal permit issued to a unit of local government having jurisdiction in the area, such as a permit required under the Federal Clean Water Act, 33 U.S.C. §§1251 et seq., or the Federal Safe Drinking Water Act, 42 U.S.C. §§300f et seq., and including conditions or plans required by such permit;
 - (C) Minimize impacts on wildlife corridors and fish passage such as by using the techniques described in Part (b) of Table 5; and
 - (D) Consider using the techniques described in Part (c) of Table 5 to further minimize the impacts of development in the HC.
- d. **Mitigate.** If the applicant demonstrates that there is no practicable alternative that will not avoid disturbance of the Habitat Conservation Area, then development must mitigate for adverse impacts to the Habitat Conservation Area. All proposed mitigation plans must meet the following standards:
- i. The mitigation plan shall demonstrate that it compensates for detrimental impacts to ecological functions provided by Habitat Conservation Areas, after taking into consideration the applicant's efforts to minimize such detrimental impacts through the use of the techniques described in Table 5 and through any additional or innovative techniques. A mitigation plan that requires the amount of planting that would be required under Subsection 17.309.070(E) of this Ordinance based on the amount of proposed disturbance area within the Habitat Conservation Area, and that otherwise complies with all of the mitigation requirements in Subsection 17.309.070(E) of this Ordinance, shall be considered to have satisfied the requirements of this Subsection 17.309.080(D)(2)(d) of this Ordinance.
 - ii. Mitigation shall occur on the site of the disturbance, to the extent practicable. Off-site mitigation shall be approved if the applicant

has demonstrated that it is not practicable to complete the mitigation on-site and that the applicant has documented that it can carry out and ensure the success of the off-site mitigation, as described in Subsection 17.309.080(B)(1)(b)(iv) of this Ordinance. In addition, if the off-site mitigation area is not within the same subwatershed (6th Field Hydrologic Unit Code) as the related disturbed Habitat Conservation Area, the applicant shall demonstrate that it is not practicable to complete the mitigation within the same subwatershed and that, considering the purpose of the mitigation, the mitigation will provide more ecological functional value if implemented outside of the subwatershed. Mitigation shall not be allowed outside of the Metro jurisdictional boundary.

- iii. All re-vegetation plantings shall be with native plants listed on the *Metro Native Plant List*.
- iv. All in-stream work in fish-bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife in-stream work-timing schedule.
- v. A mitigation maintenance plan shall be included and shall be sufficient to ensure the success of the planting, and compliance with the plan shall be a condition of development approval.
- e. ***Municipal Water Utility Facilities Standards.*** Except as provided within this Subsection, in addition to all other requirements of Subsection 17.309.080(D)(2) of this Ordinance, municipal potable water, storm water (drainage) and wastewater utility facilities may be built, expanded, repaired, maintained, reconfigured, rehabilitated, replaced or upsized if not exempted in Section 17.309.040 of this Ordinance. These facilities may include but are not limited to water treatment plants, wastewater treatment plants, raw water intakes, pump stations, transmission mains, conduits or service lines, terminal storage reservoirs, and outfall devices provided that:
 - i. Such projects shall not have to comply with the requirements of Subsection 17.309.080(D)(2)(b) of this Ordinance, provided that, where practicable, the project does not encroach closer to a water feature than existing operations and development, or for new projects where there are no existing operations or development, that the project does not encroach closer to a water feature than practicable;
 - ii. Best management practices will be employed that accomplish the following:

- (A) Account for watershed assessment information in project design;
- (B) Minimize the trench area and tree removal within the Habitat Conservation Area;
- (C) Utilize and maintain erosion controls until other site stabilization measures are established, post-construction;
- (D) Replant immediately after backfilling or as soon as effective;
- (E) Preserve wetland soils and retain soil profiles;
- (F) Minimize compactions and the duration of the work within the Habitat Conservation Area;
- (G) Complete in-water construction during appropriate seasons, or as approved within requisite Federal or State permits;
- (H) Monitor water quality during the construction phases, if applicable; and
- (I) Implement a full inspection and monitoring program during and after project completion, if applicable.

Table 5. Habitat-Friendly Development Practices¹

Part (a). Design and Construction Practices to Minimize Hydrologic Impacts

1. Amend disturbed soils to original or higher level of porosity to regain infiltration and stormwater storage capacity.
2. Use pervious paving materials for residential driveways, parking lots, walkways, and within centers of cul-de-sacs.
3. Incorporate stormwater management in road right-of-ways.
4. Landscape with rain gardens to provide on-lot detention, filtering of rainwater, and groundwater recharge.
5. Use green roofs for runoff reduction, energy savings, improved air quality, and enhanced aesthetics.
6. Disconnect downspouts from roofs and direct the flow to vegetated infiltration/filtration areas such as rain gardens.

7. Retain rooftop runoff in a rain barrel for later on-lot use in lawn and garden watering.
8. Use multi-functional open drainage systems in lieu of more conventional curb-and-gutter systems.
9. Use bio-retention cells as rain gardens in landscaped parking lot islands to reduce runoff volume and filter pollutants.
10. Apply a treatment train approach to provide multiple opportunities for storm water treatment and reduce the possibility of system failure.
11. Reduce sidewalk width and grade them such that they drain to the front yard of a residential lot or retention area.
12. Reduce impervious impacts of residential driveways by narrowing widths and moving access to the rear of the site.
13. Use shared driveways.
14. Reduce width of residential streets, depending on traffic and parking needs.
15. Reduce street length, primarily in residential areas, by encouraging clustering and using curvilinear designs.
16. Reduce cul-de-sac radii and use pervious vegetated islands in center to minimize impervious effects, and allow them to be utilized for truck maneuvering/loading to reduce need for wide loading areas on site.
17. Eliminate redundant non-ADA sidewalks within a site (i.e., sidewalk to all entryways and/or to truck loading areas may be unnecessary for industrial developments).
18. Minimize car spaces and stall dimensions, reduce parking ratios, and use shared parking facilities and structured parking.
19. Minimize the number of stream crossings and place crossing perpendicular to stream channel if possible.
20. Allow narrow street right-of-ways through stream corridors whenever possible to reduce adverse impacts of transportation corridors.

Part (b). Design and Construction Practices to Minimize Impacts on Wildlife Corridors and Fish Passage

1. Carefully integrate fencing into the landscape to guide animals toward

animal crossings under, over, or around transportation corridors.

2. Use bridge crossings rather than culverts wherever possible.
3. If culverts are utilized, install slab, arch or box type culverts, preferably using bottomless designs that more closely mimic stream bottom habitat.
4. Design stream crossings for fish passage with shelves and other design features to facilitate terrestrial wildlife passage.
5. Extend vegetative cover through the wildlife crossing in the migratory route, along with sheltering areas.

Part (c). Miscellaneous Other Habitat-Friendly Design and Construction Practices

1. Use native plants throughout the development (not just in Habitat Conservation Area).
2. Locate landscaping (required by other sections of the code) adjacent to Habitat Conservation Area.
3. Reduce light spill-off into Habitat Conservation Areas from development.
4. Preserve and maintain existing trees and tree canopy coverage, and plant trees, where appropriate, to maximize future tree canopy coverage.

¹ These development practices represent the state of scientific knowledge at the time of this Ordinance's enactment, if more effective habitat-friendly practices become available, they should be used.

Section 17.309.090 Variances

A. The purpose of this Section is to ensure that compliance with this Ordinance does not cause unreasonable hardship. To avoid such instances, the requirements of this Ordinance may be varied. Variances are also allowed when strict application of this Ordinance would deprive an owner of all economically viable use of land.

B. This Section applies in addition to the standards governing proposals to vary the requirements of the base zone.

C. Notice of variance applications shall be provided:

1. Upon receiving an application to vary the requirements of this Ordinance, the notice shall be provided to all property owners within 300 feet of the

subject property inside the urban growth boundary, and within 300 feet of the subject property outside the urban growth boundary, to Metro, to any neighborhood or community planning organization recognized by Damascus and whose boundaries include the property, and to any Watershed Council recognized by the Oregon Watershed Enhancement Board and whose boundaries include the property.

2. Within seven (7) days of a decision on the Variance, notice of the decision shall be provided to Metro, to any neighborhood or community planning organization recognized by the Damascus and whose boundaries include the property, to any Watershed Council recognized by the Oregon Watershed Enhancement Board and whose boundaries include the property, and to any other person required to receive notice of such a decision under State law.

D. Hardship Variance. Variances to avoid unreasonable hardship caused by the strict application of this Ordinance are permitted subject to the criteria set forth in this Section. To vary from the requirements of this Ordinance, the applicant must demonstrate the following:

1. The variance is the minimum necessary to allow the proposed use or activity;
2. Unless the proposed variance is from mitigation under Section 17.309.070(E) or mitigation under Section 17.309.080(B), (C), or (D)(1)(b) and D(2)(d), the proposed use will comply with those standards, as applicable; and
3. The proposed use complies with the standards of the base zone.

E. Buildable Lot Variance. A variance to avoid the loss of all economically viable use of a lot that is partially inside a Habitat Conservation Area is permitted. Applicants must demonstrate the following:

1. Without the proposed variance, the applicant would be denied economically viable use of the subject property. To meet this criterion, the applicant must show that:
 - a. The proposed use cannot meet the standards in Section 17.309.090(D) (Hardship Variance); and
 - b. No other application could result in permission for an economically viable use of the subject property. Evidence to meet this criterion shall include a list of uses allowed on the subject property;
2. The proposed variance is the minimum necessary to allow for the

requested use;

3. The proposed variance will comply with Section 17.309.070(E) or 17.309.080(B), (C), or D(1)(b) and D(2)(d) (mitigation); and
4. The proposed use complies with the standards of the base zone.

F. Variance Conditions. Conditions may be imposed to limit any adverse impacts that may result from granting any Variance.

Section 12.309.100 Map Administration and Habitat Conservation Area Verification

- A. Exempt development.** Development that is outside of any Habitat Conservation Area and no closer than 100 feet to the border of a Habitat Conservation Area (including all impervious surfaces and landscaping), based on the Habitat Conservation Area map, may proceed without having to comply with this Section or any other portion of this Ordinance except for Section 17.309.060, Construction Management Plan.
- B.** Verification of the location of Habitat Conservation Areas as described in this Section shall not be considered a Comprehensive Plan amendment.
- C.** Map verification is available to correct for mistakes in the location of Habitat Conservation Areas on properties. Map verification shall not be used to dispute whether identified Habitat Conservation Areas provide the ecological functions that they are assumed to provide based on the ecological criteria used to identify them. If an applicant believes that a properly identified Habitat Conservation Area does not provide the ecological functions that it has been identified as providing, then the applicant may use the discretionary review process to decrease the amount of mitigation required for disturbing such an area.
- D.** The map verification requirements described in this Section 17.309.100 of this Ordinance shall be met at the time an applicant requests a Building Permit, Grading Permit, Tree Removal Permit, land division approval, or some other land use decision. A property owner, or another person with the property owner's consent, may request to verify the location of Habitat Conservation Areas on a real property lot or parcel pursuant to this Section 17.309.100 of this Ordinance at other times, but whether the City processes such request shall be at the Planning Director's sole discretion, based on staff availability, funding resources, and policy priorities. If a person receives a verification separate from a simultaneous request for a Building Permit, Grading Permit, Tree Removal Permit, land division approval, or some other land use decision, then the person may use the verification to satisfy the requirements of this Section at any time up until five years after the date the verification was issued.

- E. Notwithstanding any other provisions of this Section 17.309.100 of this Ordinance, for utility projects undertaken by public utilities across property that is not owned by the utility, the utility shall not be required to map or provide any information about the property except for the area within 300 feet of the location of the proposed disturbance area of the utility's project.
- F. **Basic Verification Approaches.** The basic verification approaches described in Subsections 17.309.100(F)(1) through (3) of this Ordinance are available for applicants who believe either (1) that the Habitat Conservation Area map is accurate, (2) that there is a simple incongruity between the Habitat Conservation Area map and the boundary lot lines of a property, or (3) that the property was developed prior to January 1, 2009, (which is the date of the regional program).
1. ***Applicant Believes Habitat Conservation Area Map is Accurate.*** An applicant who believes that the Habitat Conservation Area map is accurate may comply with this Subsection 17.309.100 (F)(1) of this Ordinance. The applicant shall submit the following information regarding the real property lot or parcel:
 - a. A detailed property description;
 - b. A copy of the applicable Habitat Conservation Area map;
 - c. A Summer 2009 aerial photograph of the property, with lot lines shown, at a scale of at least 1 map inch equal to 50 feet for lots of 20,000 or fewer square feet, and a scale of 1 map inch equal to 100 feet for larger lots (available from the Metro Data Resource Center, 600 N.E. Grand Avenue, Portland, OR 97232; 503-797-1742);
 - d. The information required to be submitted under Section 17.309.070 or 17.309.080 of this Ordinance if the applicant proposes development within any Habitat Conservation Area under those provisions; and
 - e. Any other factual information that the applicant wishes to provide to support map verification.
 2. ***Obvious Misalignment Between Mapped Habitat and Property Lot Lines.*** In some cases, the mapped vegetative cover layer in the GIS database might not align precisely with the tax lot layer that shows property lines, resulting in a Habitat Conservation Area map that is also misaligned with tax lot lines. An applicant who believes that the Habitat Conservation Area map is inaccurate based on such an obvious misalignment may comply with this Subsection 17.309.100(F)(2) of this

Ordinance. The applicant shall submit the following information regarding the real property lot or parcel:

- a. The information described in Subsections 17.309.100(F)(1)(a) through (e) of this Ordinance; and
- b. A documented demonstration of the misalignment between the Habitat Conservation Area map and the property's tax lot boundary lines. For example, an applicant could compare the boundary lot lines shown for roads within 500 feet of a property with the location of such roads as viewed on the aerial photograph of the area surrounding a property to provide evidence of the scale and amount of incongruity between the Habitat Conservation Area maps and the property lot lines, and the amount of adjustment that would be appropriate to accurately depict habitat on the property.

3. ***Property Developed Between Summer 2002 and January 1, 2009 – date of approval of Regional Program.***

Where a property was developed between the Summer of 2002 (when the aerial photo used to determine the regional habitat inventory was taken) and January 1, 2009, the applicant shall submit the following information regarding the real property lot or parcel:

- a. The information described in Subsection 17.309.100(F)(1)(a) through (e) of this Ordinance;
- b. A Summer 2002 aerial photograph of the property, with lot lines shown, at a scale of at least 1 map inch equal to 50 feet for lots of 20,000 or fewer square feet, and a scale of 1 map inch equal to 100 feet for larger lots (available from the Metro Data Resource Center, 600 N.E. Grand Avenue, Portland, OR 97232; 503-797-1742);
- c. Any approved building permits or other development plans and drawings related to the development of the property that took place between Summer 2002 and January 1, 2009, and
- d. A clear explanation and documentation, such as supporting maps or drawings or an more recent aerial photograph, indicating the new development that has occurred and where previously identified habitat no longer exists because it is now part of a developed area.

4. ***Decision Process.*** The Planning Director's map verification decision made pursuant to this Subsection 17.309.100(F) of this Ordinance may be an administrative decision. The Planning Director's decision shall be based on consideration of the information submitted by the applicant, any information collected during a site visit to the lot or parcel, any

information generated by prior map verifications that have occurred on adjacent properties, and any other objective factual information that has been provided to the Planning Director.

G. Detailed Verification Approach. All applicants who believe that the Habitat Conservation Area map is inaccurate for a reason other than as described in Subsections 17.309.100(F)(2) and (3) may file a verification request consistent with this Subsection 17.309.100(G) of this Ordinance.

1. **Application requirements.** The applicant shall submit a report prepared and signed by either:
 - a. a knowledgeable and qualified natural resource professional, such as a wildlife biologist, botanist, or hydrologist, or
 - b. a civil or environmental engineer registered in Oregon to design public sanitary or storm systems, storm water facilities, or other similar facilities. Such report shall include:
 - i. A description of the qualifications and experience of all persons that contributed to the report, and, for each person that contributed, a description of the elements of the analysis to which the person contributed;
 - ii. The information described in Subsections 17.309.100(F)(1)(a) through (e) of this Ordinance;
 - iii. The information described in Subsections 17.309.100(F)(2)(b) and 9(F)(3)(b) through (d) of this Ordinance, if the applicant believes such information is relevant to the verification of habitat location on the subject lot or parcel;
 - iv. Additional aerial photographs if the applicant believes they provide better information regarding the property, including documentation of the date and process used to take the photos and an expert's interpretation of the additional information they provide;
 - v. A map showing the topography of the property shown by contour lines of 2 foot intervals for slopes less than 15% and by 10 foot intervals for slopes 15% or greater; and
 - vi. Any additional information necessary to address each of the verification criteria in Subsection 17.309.100(G)(4) of this Ordinance, a description of where any Habitat Conservation Areas are located on the property based on the application of the verification criteria in Subsection 17.309.100(G)(4) of this

Ordinance, and factual documentation to support the analysis.

2. **Notice requirements.** Upon receipt of a completed application pursuant to this Subsection 17.309.100(G) of this Ordinance, the Planning Authority shall provide notice of the map verification application to Metro, to the owners of record of property on the most recent property tax assessment roll where such property is located within 100 feet of the subject property to any neighborhood or community planning organization recognized by the governing body and whose boundaries include the property, and to any watershed council recognized by the Oregon Watershed Enhancement Board and whose boundaries include the property. The notice provided by the jurisdiction shall comply with the notice requirements of ORS 197.763. The Planning Authority shall accept written public comments regarding the matter during a public comment period.
3. **Decision process.** The Planning Authority shall apply the verification criteria in Subsection 17.309.100(G)(4) of this Ordinance to confirm the location of any Habitat Conservation Areas based on the Habitat Conservation Area map, the information submitted by the applicant, any information received during the public comment period, and any additional information readily available, including information collected during a site visit to the lot or parcel. The applicant and all persons that submitted written comments shall be provided with a written explanation of the Planning Director's decision.
4. **Verification Criteria.** The verification of the location of Habitat Conservation Areas shall be according to the four-step process described in this Subsection 17.309.100(G)(4) of this Ordinance. A verification application shall not be considered complete and shall not be granted unless all the information required to be submitted with the verification application has been received.
 - a. **Step 1. Verifying boundaries of inventoried riparian habitat.** Locating habitat and determining its riparian habitat class is a four-step process:
 - i. Locate the Water Feature that is the basis for identifying riparian habitat.
 - (A) Locate the top of bank of all streams, rivers, and open water within 200 feet of the property.
 - (B) Locate all flood areas within 100 feet of the property.
 - (C) Locate all wetlands within 150 feet of the property based on the

Table 6. Method for Locating Boundaries of Class I and II Riparian Areas

Distance from Water Feature	Development/Vegetation Status ¹			
	Developed areas not providing vegetative cover	Low structure vegetation or open soils	Woody vegetation (shrub and scattered forest canopy)	Forest Canopy (closed to open forest canopy)
Surface Streams				
0-50'	Class II	Class I ²	Class I	Class I
50'-100'		Class II ³	Class I	Class I
100'-150'		Class II ³ if slope>25%	Class II ³ if slope>25%	Class II ³
150'-200'		Class II ³ if slope>25%	Class II ³ if slope>25%	Class II ³ if slope>25%
Wetlands (Wetland feature itself is a Class I Riparian Area)				
0-100'		Class II ³	Class I	Class I
100'-150'				Class II ²
Flood Areas				
Within 300' of river or surface stream		Class I	Class I	Class I
More than 300' from river or surface stream	4	Class II ³	Class II ³	Class I
0-100' from edge of flood area			Class II ^{3, 5}	Class II ³

¹ The vegetative cover type assigned to any particular area was based on two factors: the type of vegetation observed in aerial photographs and the size of the overall contiguous area of vegetative cover to which a particular piece of vegetation belonged. As an example of how the categories were assigned, in order to qualify as “forest canopy” the forested area had to be part of a larger patch of forest of at least one acre in size.

² Except that areas within 50 feet of surface streams shall be Class II riparian areas if their vegetation status is “Low structure vegetation or open soils,” and if they are high gradient streams. High gradient streams are identified on the Metro Vegetative Cover Map. If a property owner believes the gradient of a stream was incorrectly identified, then the property owner may demonstrate the correct classification by identifying the channel type using the methodology described in the Oregon Watershed Assessment Manual, published by the Oregon Watershed Enhancement Board, and appended to the Metro’s Riparian Corridor and Wildlife Habitat Inventories Report, Attachment 1 to Exhibit F to Metro Ordinance No. 05-

1077C.

- ³ Areas that have been identified as habitats of concern, as designated on the Metro Habitats of Concern Map (on file in the Metro Council office), shall be treated as Class I riparian habitat areas in all cases, subject to the provision of additional information that establishes that they do not meet the criteria used to identify habitats of concern as described in Metro’s Technical Report for Fish and Wildlife. Examples of habitats of concern include: Oregon white oak woodlands, bottomland hardwood forests, wetlands, native grasslands, riverine islands or deltas, and important wildlife migration corridors.
- ⁴ If development prior to the effective date of Metro Ordinance No. 05-1077C within a contiguous, undeveloped flood area (to include contiguous flood areas on adjacent properties) that was not mapped as having any vegetative cover has reduced the size of that contiguous flood area to less than one half of an acre in size, then the remaining flood area shall also be considered a developed flood area and shall not be identified as habitat.
- ⁵ Only if within 300 feet of a river or surface stream.

b. ***Step 2. Verifying boundaries of inventoried upland habitat in future urban growth boundary expansion areas.*** Upland habitat was identified based on the existence of contiguous patches of forest canopy, with limited canopy openings. The “forest canopy” designation is made based on analysis of aerial photographs, as part of determining the vegetative cover status of land within the region. Upland habitat shall be as identified on the Habitat Conservation Area map unless corrected as provided in this Subsection.

i. Except as provided in subsection 17.309.100(G)(4)(b)(ii), vegetative cover status shall be as identified on the Metro Vegetative Cover Map used to inventory habitat at the time the area was brought within the urban growth boundary (available from the Metro Data Resource Center, 600 N.E. Grand Avenue, Portland, OR 97232; 503-797-1742).

ii. The only allowed corrections to the vegetative cover status of a property are as follows:

(A) To correct errors made when the vegetative status of an area was determined based on analysis of the aerial photographs used to inventory the habitat at the time the area was brought within the urban growth boundary. For example, an area may have been identified as “forest canopy” when it can be shown that such area has less than 60% canopy crown closure, and therefore should not have been identified as “forest canopy.” The perimeter of an area delineated as “forest canopy” on the Metro Vegetative Cover Map may be adjusted to more

precisely indicate the drip line of the trees within the canopied area provided that no areas providing greater than 60% canopy crown closure are de-classified from the “forest canopy” designation. To assert such errors, applicants shall submit an analysis of the vegetative cover on their property using the aerial photographs that were used to inventory the habitat at the time the area was brought within the urban growth boundary and the definitions of the different vegetative cover types.

(B) To remove tree orchards and Christmas tree farms from inventoried habitat; provided, however, that Christmas tree farms where the trees were planted prior to 1975 and have not been harvested for sale as Christmas trees shall not be removed from the habitat inventory.

iii. If the vegetative cover status of any area identified as upland habitat is corrected pursuant to Subsection 17.309.100(G)(4)(b)(ii)(A) to change the status of an area originally identified as “forest canopy,” then such area shall not be considered upland habitat unless it remains part of a forest canopy opening less than one acre in area completely surrounding by an area of contiguous forest canopy.

c. **Step 3. Urban Development Value of the Property.** The urban development value of property designated as regionally significant habitat is depicted on the Metro Habitat Urban Development Value Map (available from the Metro Data Resource Center, 600 N.E. Grand Avenue, Portland, OR 97232; 503-797-1742).

i. A property’s urban development value designation shall be adjusted upward if the Metro 2040 Design Type designation for the property lot or parcel has changed from a category designated as a lower urban development value category to one designated as a higher urban development value category. 2040 Design Type designations are identified on the Metro 2040 Applied Concept Map (also available from the Metro Data Resource Center, 600 N.E. Grand Avenue, Portland, OR 97232; 503-797-1742).

ii. Properties in areas designated on the 2040 Applied Concept Map as the Central City, Regional Centers, Town Centers, and Regionally Significant Industrial Areas are considered to be of high urban development value; properties in areas designated as Main Streets, Station Communities, Other Industrial Areas, and Employment Centers are of medium urban development value; and properties in areas designated as Inner and Outer

Neighborhoods and Corridors are of low urban development value.

- iii. As designated in Title 13 of Metro’s Urban Growth Management Functional Plan, properties owned by a regionally significant educational or medical facility are designated as high urban development value.

- d. **Step 4. Cross-Reference Habitat Class With Urban Development Value.** City and county verification of the locations of High, Moderate, and Low Habitat Conservation Areas shall be consistent with Tables 7 and 8.

Table 7. Method for Identifying Habitat Conservation Areas (“HCA”)

Fish & wildlife habitat classification	High Urban development value¹	Medium Urban development value²	Low Urban development value³	Other areas: Parks and Open Spaces, no design types outside UGB
Class I Riparian	Moderate HCA	High HCA	High HCA	High HCA / High HCA+ ⁴
Class II Riparian	Low HCA	Low HCA	Moderate HCA	Moderate HCA / High HCA+ ⁴
Class A Upland Wildlife	No HCA	No HCA	No HCA	No HCA / High HCA ⁵ / High HCA+ ⁴
Class B Upland Wildlife	No HCA	No HCA	No HCA	No HCA / High HCA ⁵ / High HCA+ ⁴

NOTE: The default urban development value of property is as depicted on the Metro Habitat Urban Development Value Map. The Metro 2040 Design Type designations provided in the following footnotes are only for use when a city or county is determining whether to make a Habitat Conservation Area adjustment.

¹Primary 2040 design type: Regional Centers, Central City, Town Centers, and Regionally Significant Industrial Areas

²Secondary 2040 design type: Main Streets, Station Communities, Other Industrial areas, and Employment Centers

³Tertiary 2040 design type: Inner and outer neighborhoods, corridors

⁴Cities and counties shall give Class I and II riparian habitat and Class A and B upland wildlife habitat in parks designated as natural areas even greater protection than that afforded to High Habitat Conservation Areas.

⁵All Class A and B upland wildlife habitat in publicly-owned parks and open spaces,

except for parks and open spaces where the acquiring agency clearly identified that it was acquiring the property to develop it for active recreational uses, shall be considered High Habitat Conservation Areas.

Table 8. Method for Identifying Habitat Conservation Areas (“HCA”) in Future Urban Growth

Fish & Wildlife Habitat	High Urban Development	Medium Urban Development	Low Urban Development	Other Areas: Parks and Open Spaces, No Design
Classification	Value¹	Value²	Value³	Types Outside UGB
Class I Riparian	Moderate HCA	High HCA	High HCA	High HCA / High HCA ⁺⁴
Class II Riparian	Low HCA	Low HCA	Moderate HCA	Moderate HCA / High HCA ⁺⁴
Class A Upland Wildlife	Low HCA	Moderate HCA	Moderate HCA	High HCA / High HCA ⁵ / High HCA ⁺⁴
Class B Upland Wildlife	Low HCA	Low HCA	Moderate HCA	Moderate HCA / High HCA ⁵ / High HCA ⁺⁴

NOTE: The default urban development value of property is as depicted on the Metro Habitat Urban Development Value Map. The Metro 2040 Design Type designations provided in the following footnotes are only for use when a City or County is determining whether to make a Habitat Conservation Area adjustment.

¹Primary 2040 design types: Regional Centers, Central City, Town Centers, and Regionally Significant Industrial Areas

²Secondary 2040 design types: Main Streets, Station Communities, Other Industrial areas, and Employment Centers

³Tertiary 2040 design types: Inner and outer neighborhoods, Corridors

⁴Cities and counties shall give Class I and II riparian habitat and Class A and B upland wildlife habitat in parks designated as natural areas even greater protection than that afforded to High Habitat Conservation Areas.

⁵All Class A and B upland wildlife habitat in publicly-owned parks and open spaces, except for parks and open spaces where the acquiring agency clearly identified that it was acquiring the property to develop it for active recreational uses, shall be considered High Habitat Conservation Areas.

Table 9. Protected Water Features – HOW TO MEASURE METHODOLOGY

Protected Water Feature Type (See Definitions)	Slope adjacent to Protected Water Feature	Starting Point for Measurements from Water Feature	Width of Vegetated Corridor
Primary Protected Water Feature ¹	<25%	<ul style="list-style-type: none"> • Edge of bankfull flow or 2-year storm level; • Delineated edge of Title 3 wetlands 	50 feet
Primary Protected Water Feature ¹	≥ 25% for 150 feet or more ⁵	<ul style="list-style-type: none"> • Edge of bankfull flow or 2-year storm level; • Delineated edge of Title 3 wetlands 	200 feet
Primary Protected Water Feature ¹	≥ 25% for less than 150 feet ⁵	<ul style="list-style-type: none"> • Edge of bankfull flow or 2-year storm level; • Delineated edge of Title 3 wetlands 	Distance from starting point of measurement to top of ravine (break in ≥25% slope) ³ , plus 50 feet ⁴ .
Secondary Protected Water Feature	<25%	<ul style="list-style-type: none"> • Edge of bankfull flow or 2-year storm level; • Delineated edge of Title 3 wetlands 	15 feet
Secondary Protected Water Feature	≥25% ⁵	<ul style="list-style-type: none"> • Edge of bankfull flow or 2-year storm level; • Delineated edge of Title 3 wetlands 	50 feet

¹ Primary Protected Water Features include: all perennial streams and streams draining greater than 100 acres, Title 3 wetlands, natural lakes and springs.

² Secondary Protected Water Features include intermittent streams draining 50 - 100 acres.

³ Where the Protected Water Feature is confined by a ravine or gully, the top of the ravine is the break in the ≥ 25%.

⁴ A maximum reduction of 25 feet may be permitted in the width of vegetated corridor

⁵ Vegetated corridors in excess of 50 feet for primary protected features, or in excess of 15 feet for secondary protected features, apply on steep slopes only in the uphill direction from the protected water feature.

The provisions of this Ordinance are severable. If any section, clause, or phrase of this Ordinance is adjudged to be invalid by a court of competent jurisdiction, the decision of that court shall not affect the validity of the remaining portions of this Ordinance.

Chapter 17.310**HISTORIC RESOURCES****Sections:****Section 17.310.010 Purpose****Section 17.310.020 Applicability****Section 17.310.030 Designation or Deletion of a Historic Resource****Section 17.310.040 Alterations and Development****Section 17.310.050 Appeals****Section 17.310.060 Maintenance and Repair****Section 17.310.070 Demolition****Section 17.310.080 Uses Permitted**

No restrictions shall be placed on a property owner for the purposes of Historical Resources without full cash compensation to the property owner.

Section 17.310.010 Purpose

The purpose of this Chapter is to:

- A.** Facilitate the protection, enhancement and perpetuation of the City's archaeological and historic resources, which represent or reflect elements of the City's cultural, social, economic and architectural history;
- B.** Encourage public knowledge, understanding, and appreciation of the City's history and culture;
- C.** Foster community pride and sense of identity based on recognition and use of cultural resources;
- D.** Promote the enjoyment and use of cultural resources appropriate for the education and recreation of the people of the City;
- E.** Preserve diverse and significant architectural styles reflecting phases of the City's history, and encourage complementary design and construction relative to cultural resources;
- F.** Enhance property value and increase economic and financial benefits to the City and its residents;
- G.** Identify and resolve conflicts between the preservation of cultural resources and alternative land uses; and

- H. Implement the goals and policies of the Comprehensive Plan and State and Federal standards.

Section 17.310.020 Applicability

- A. This Chapter shall apply to all archaeological and historic resources within the City as identified in the historic resources element of the Comprehensive Plan.
- B. An historic resource may be designated HR on the zoning map and placed on the City Historic Resources Inventory following the procedures of this Chapter.
- C. Archaeological sites on public lands within the city are subject to the requirements of ORS 390.235(1)(a) and OAR 736-051-0080, as amended. Archaeological sites on private lands within the city are subject to the requirements of OAR 736-051-0090, as amended.

Section 17.310.030 Designation or Deletion of a Historic Resource

- A. **Application Request.** The owner of property within the City or their agent may make application for historic resource designation or deletion. The application shall be submitted to the City Planning Authority in such form and detail as the Planning Authority prescribes and is subject to the requirements of Section 17.400.040. The Planning Commission or City Council may also initiate such proceedings on their own motion with the consent of the property owner.
- B. **Planning Commission.** The Planning Commission shall conduct a public hearing to consider the request and shall either approve, approve with conditions, or deny the request.
- C. **Pending Permits.** No new construction, exterior alteration, demolition, or removal permits for any improvement, building, or structure relative to a proposed historic resource shall be issued while any public hearing or any appeal affecting the proposed action is pending.
- D. **Criteria for Designation of a Historic Resource.** The property owner or the applicant shall demonstrate compliance with the following criteria prior to designation as a historic resource.
 - 1. The proposed historic resource would serve the purpose of the Historic Resource standards stated in Section 17.310.010 Purpose;
 - 2. The proposed resource or site area reflects the broad cultural or natural history of the community, state or nation;
 - 3. The proposed resource or area is identified with historic personages, or

with important events in national, state or local history;

4. The proposed resource or area embodies the distinguishing characteristics of an architectural specimen inherently valuable for a study of a period, style or method of construction; or
5. The proposed resource or area is a notable work of a master builder, designer or architect.

D. Criteria for Deletion of a Historic Resource. The property owner or applicant shall demonstrate compliance with the following criteria prior to approval to remove a historic resource from the Historic Resource Inventory.

1. The original historic resource designation was placed on the site or resource in error;
2. The historic resource has ceased to exist; or
3. The historic resource is no longer of significance to the public.

Section 17.310.040 Alteration and Development

A. Review Required. Any exterior alteration of a historic resource shall be subject to review under the provision of this Chapter.

B. Application Request. The application shall be submitted to the Planning Authority and shall be in such form and detail as the Planning Authority prescribes. Applications subject to Subsection C below shall follow the Type II Administrative Review Process of Section 17.400.030.

C. Administrative Approval.

1. The Planning Authority may approve alteration requests if:
 - a. There is no change in the appearance and materials of the existing historic resource; or
 - b. The proposed alteration duplicates the affected exterior building features as determined from an historic photograph, original building plans or other evidence of original building features.
2. The following minor alterations may also be reviewed by the Planning Authority. The Planning Authority may determine these actions are exempt if they meet the above standards and comply with other applicable sections of the Development Code:

- a. Replacement of gutters and downspouts, or the addition of gutters and downspouts, using materials that match the appearance of those that were typically used on similar-style buildings;
- b. Repairing or providing a compatible new foundation that does not result in raising or lowering the building elevation;
- c. Replacement of building material, when required due to deterioration of material, with building material that matches the appearance of the original material;
- d. Repair and/or replacement of roof materials with the same kind of roof materials existing, or with materials which are in character with those of the original roof;
- e. Application of storm windows which complement or match the color detail and proportions of the building;
- f. Replacement of wood sashes with new woods sashes, or the addition of wood sashes consistent with the original historic appearance;
- g. Installation of energy saving equipment made with wood, bronze, or flat finished anodized aluminum, or baked enamel frames which complement or match the color detail and proportions of the building; and
- h. The installation of security doors and security lighting systems consistent with the requirements of Outdoor Lighting Standards (Chapter 17.307).

D. Other Requests. All requests that do not meet the provisions of Subsection C above shall be processed as a Type III application as outlined in Section 17.400.040.

E. Criteria and Findings. Approval of a permit to alter a historic resource or any property designated as HR shall be based on findings of adherence to the following guidelines:

1. Buildings on the National Registry of Historic Places (NRHP) shall adhere to the Secretary of Interior's standards for rehabilitation per 36CFR67.
2. **Retention of Original Construction.** Distinguishing original qualities defining a resource's character shall not be destroyed. Removal or alteration of historic materials or distinctive architectural features should be avoided when possible.

3. **Building Height.** Existing building heights should be maintained. Alteration of roof pitches shall be avoided. Raising or lowering a building's permanent elevation when constructing a foundation shall be avoided, except as required by Building Code or Floodplain Development Permit.
4. **Horizontal Additions.** The scale and proportion of building additions, including the relationship of windows to walls, shall be visually compatible with the traditional architectural character of the historic building. Contemporary design for alterations and additions is acceptable if the design respects the building's original design and is compatible with the original scale, materials, and window and door opening proportions of the building.
5. **Windows.** Window replacements shall match the visual qualities of original windows as closely as possible. Wood window frames are preferred in meeting this standard, unless original windows are a different material, i.e. metal. However, if non-wood replacements exhibit similar visual qualities as their wooden counterparts, they may be acceptable. The original number of window panes shall be maintained or restored when replacements are required.
6. **Restoration Possible.** Except where building code precludes it, new additions or alteration to buildings shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the original building could be restored.
7. **Signs and Lighting.** Signs, lighting, and other appurtenances (such as walls, fences, awnings, and landscaping) shall be visually compatible with the original character of the building.
8. **Time Period Consistency.** Buildings shall be recognized as products of their own time. Alterations that have no historical basis or which seek to create an earlier appearance shall be avoided.
9. **Visual Integrity/Style.** Distinctive stylistic features, such as a line of columns, piers, spandrels, or other primary structural elements, or examples of skilled craftsmanship which characterize a building, shall be maintained or restored as far as is practicable.
10. **Replacement or Additional Materials.** Whenever possible, deteriorated architectural features shall be repaired rather than replaced. In the event replacement of an existing feature is necessary, or an addition is proposed, new materials should match those of the original building, to the extent possible, in composition, design, color, texture, and other visual qualities.

Section 17.310.050 Maintenance and Repair

Nothing in this title shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature which does not involve a change in design, material, or appearance of such feature, or which the Building Authority shall certify is required for public safety due to an unsafe or dangerous condition.

Section 17.310.060 Demolition

A. Notification of Demolition Request. If an application is made for a Building Permit to demolish all or part of a designated historic resource, to the extent that the historic designation is affected, the Planning Authority shall, within seven days of the receipt of an application, transmit a copy of the application to the Planning Commission.

B. Property Owner Action. For a period of not less than thirty days prior to the public hearing the property owner shall do as follows:

1. List the property for sale with a real estate agent for a period not less than ninety days with the intent of selling or relocating the resource intact. Such real estate agent shall advertise the property in local and State newspapers of general circulation in the area. This listing requirement can be reduced if the Planning Commission approves the demolition request;
2. Give public notice by posting a visible “For Sale” sign on the property which shall be in bold letters, no less than six inches in height, and shall read as a minimum: “HISTORIC BUILDING FOR SALE—WILL BE DEMOLISHED UNLESS MOVED BY (INSERT DATE)”;
3. Prepare and make available any information related to the history and sale of the property to all individuals, organizations, and agencies who inquire.
4. Provide a copy of the demolition request to Clackamas County, the State Historic Preservation Office, and Architectural Heritage Center.

C. Public Hearing Review. The Planning Commission shall hold a public hearing within forty-five days of application. The procedures shall be the same as those outlined in Section 17.400.040.

D. Review Criteria and Findings. In determining the appropriateness of the demolition, as proposed in an application for a Building Permit, the Commission shall consider the following:

1. All plans, drawings and photographs as may be submitted by the applicant;
2. Information presented at a public hearing held concerning the proposed work;

3. The City Comprehensive Plan, including the economic, social, environmental and energy consequences;
4. The purpose as set forth in Section 17.310.010;
5. The criteria used, and findings and decisions made, in the original designation of the historic resource in which the property under consideration is located;
6. The historical and architectural style, design, arrangement, materials, or its appurtenant fixtures; the relationship of such features to similar features of other buildings within the district; and the position of the building or structure in relation to public rights-of-way and to other buildings and structures in the area;
7. The effects of the proposed work upon the protection, enhancement, perpetuation, and use of the district which cause it to possess a special character or special historic or aesthetic interest or value.

E. Approval of Demolition Request/Appeals. The Planning Commission may approve the demolition request after considering the criteria under Subsection D above. Action by the Planning Commission approving the issuance of permit for demolition may be appealed to the City Council by any aggrieved party, by filing a notice of appeal. If no appeal is filed, the Building Authority shall issue the permit in compliance with all other Codes and Ordinances of the City.

F. Denial/Stay of Demolition.

1. The Planning Commission may reject the application for permit if it determines that in the interest of preserving historic values, the property should not be demolished. In that event, issuance of the permit shall be suspended for a period not exceeding thirty days from the date of public hearing. The Planning Commission may invoke an extension of the suspension period if it determines that there is a program or project under way which could result in public or private acquisition of the resource, and that there are reasonable grounds to believe that such program or project may be successful. Then the Commission, at its discretion, may extend the suspension period to thirty days, to a total of not more than one hundred twenty days from the date of public hearing for Demolition Permit.
2. If all such programs or projects are demonstrated to the Commission to be unsuccessful, and the applicant has not withdrawn his application for Demolition Permit, the Building Authority shall issue such permit, if the application otherwise complies with the Codes and Ordinances of the City.

3. Action by the Planning Commission suspending issuance of the permit for demolition may be appealed to the City Council by the applicant for the permit, by filling a notice of appeal.

Section 17.310.070 Permitted Uses

A. Primary Uses. A historic resource may be used for any use which is allowed in the underlying district, subject to the specific requirements for the use, and all other requirements of this Section.

B. Conditional Uses. Except within Legacy Neighborhood residential designations, uses identified in Section C below, which would not be allowed in the underlying zones, may be allowed when such use would preserve or improve a resource which would probably not be preserved or improved otherwise. Such uses may also be allowed in the Legacy Neighborhood, Neighborhood Low and Neighborhood Medium residential designations if located along minor or major arterial streets, with the exception of bed and breakfast establishments, which may be located on any street. Approval of such uses shall include conditions mitigating adverse impact of the use on neighboring properties subject to Land Use Review and Site Design Review (Chapter 17.401) and other requirements as per Conditional Use Permits (Chapter 17.404).

C. The following uses may be permitted after a Type III public hearing conducted pursuant to Section 17.400.040 of this Code:

1. Art and music studios;
2. Galleries;
3. Offices/clinics;
4. Craft shops;
5. Bed and breakfast establishments;
6. Gift shops;
7. Museums;
8. Catering services;
9. Bookstores;
10. Boutiques;
11. Restaurants;

- 12. Antique shops;
- 13. Community centers for civic or cultural events;
- 14. Other uses determined by the Planning Commission to be similar to those listed above.